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NORTH PACIFIC FUR SEAL TREATY

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

TREATY DOC. 99-5, AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS BETWEEN THE UNITED STATES, CANADA, JAPAN, AND THE SOVIET UNION

JUNE 13, 1985

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NORTH PACIFIC FUR SEAL TREATY

THURSDAY, JUNE 13, 1985

United States Senate,
Committee on Foreign Relations,
Washington, DC.

The committee met at 9:16 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Frank H. Murkowski presiding.

Present: Senators Murkowski, Evans, Cranston, and Dodd.

Senator Murkowski. Good morning. We will call to order the full committee of the Foreign Relations Committee. I am Frank Murkowski, member of that committee. Senator Evans is with me. There will be other Senators joining us throughout the balance of the day.

I apologize for having kept you waiting. I had an early morning breakfast with the American Legion representatives. I happen to be chairman of the Veterans' Committee, and I was proceeding over here to be on time at 9 a.m. when I was shanghaied by the Chaplain of the Senate. When that happens, obviously, you aspire to a higher calling.

It seemed like the majority whip, Senator Simpson, was delayed on a parking strip this morning and there was no one else to be found to open the Senate, so I opened the Senate, and I think that the Chaplain had a prayer today that was a little unique. He recognized the obligation of the media, and it is a pleasure to welcome the media here today. From the wishes expressed by the Chaplain, why I would say you are in good hands, at least temporarily.

With that profound observation, I will enter into the formalities of the hearing.

I want to thank you for coming here today to discuss what would happen to the North Pacific fur seals, in the event that the protocol which is the subject of our hearing today is not ratified.

The questions, of course, are what is the best way to preserve the fur seal. Is it with or without an international agreement of some kind? The treaty, the Interim Convention on the Conservation of the North Pacific Fur Seal has already been ratified by Japan, Canada, and the Soviet Union. It is a treaty that has been ratified in its present form every 4 to 6 years since its original enactment in 1956.

Preceding this Convention was an international agreement signed by these countries in 1911.

The North Pacific fur seal spends a good deal of its life migrating in international waters, seeking out some of the more desirable beaches of the North Pacific.

In the early 1900's, the North Pacific fur seal reached near extinction primarily due to to pelagic sealing or the taking of seals on the high seas.

There is some question as to what this treaty does, and that will be discussed at great length during the hearing process today. We do know that it does prevent, under international law, the taking of seals on the high seas. There are those who would suggest that the best way to regulate the fur seal is by not having a treaty, but I think the reality exists that the inability to control the resource as it roams into Soviet waters, Japanese waters, and Canadian waters leaves it vulnerable to exposure from other nations.

If the fur seal indeed was inclined to spend its life cycle limited to U.S. waters or Alaskan waters, obviously we would not necessarily be debating the merits this morning of the treaty.

The treaty protects and manages the shared resource. It provides for scientific research and data which will be addressed, the control number of seals taken, controls the sex of seals taken—only the subadult bachelor male seals. No female pups or breeding bulls are taken.

There has been a great deal of confusion between the baby Canadian harp seals and the North Pacific seal. The Canadian harp seal or hair seal is an entirely different species taken in Canada. The only desirable commercial aspect of the Canadian harvest is the demand for the baby hair seal.

Most of the demonstrations that we have seen in Washington have the issue of the hair seal as opposed to the fur seal. So the distinction of that will be noted during the hearing.

I think the major concern of the committee is the question of what is in the best interest and long-term protection of the fur seal. We will examine whether the threat of pelagic sealing is a real threat. We will have witnesses and material submitted for the record that will be brought out in testimony.

There is no question of the need to act responsibly, to examine the facts to consider the treaty's merits, and the position of the State Department in determining the best interests in preserving the internationally claimed resource of the North Pacific fur seal.

As a consequence of the lengthy task ahead of us and the fact that there is going to be an adjournment of the Senate in midmorning for a joint session, we are going to have to keep our remarks somewhat limited, and that includes the chairman of the committee as well. We will be timing witnesses. After the official agenda, which includes the Senators who will be speaking and the administrative representatives, witnesses will be limited to about 5 minutes. I would so advise those witnesses who are in the audience of the necessity of concluding this hearing today.

I think we can adequately address the record sufficiently in those time limits. Those are time limits generally imposed as a matter of policy in the House. I conducted a hearing the day before yesterday. We had 33 witnesses and we ran on a 5-minute rule, and it worked quite well.

As a consequence, I will instruct the staff to keep time after the initial administrative witnesses and Senators have testified.

We will now ask Senator Levin to join us at the witness table and will proceed with the formal testimony. But before we do so, I want to recognize my two colleagues who are here, who may have opening statements.

Senator Evans.

Senator **Evans**. I would be very interested in the testimony but have no opening statement.

Senator **Murkowski**. Senator Cranston, we welcome you to the committee.

Senator **Cranston**. Thank you. My view is the same as that of Senator Evans. I am interested in the testimony. I am very interested in these issues, and I would rather hear from the witnesses.

Senator **Murkowski**. So would I. So let us begin.

It is a pleasure again to welcome you, not just before this committee, but before me on this subject. I think 4 years ago, we were in a similar position.

Good morning.

STATEMENT OF HON. CARL LEVIN, A U.S. SENATOR FROM MICHIGAN

Senator **Levin**. Good morning, Mr. Chairman and other members of the committee. Thank you for inviting me to testify. I think the only thing that probably has changed in 4 years is that now I am wearing glasses. Maybe the statement will then reflect the clarity of my vision.

Senator **Murkowski**. Maybe the next time we meet in this arena I will be wearing them, too.

Senator **Levin**. Well, I hope the statement reflects the clarity of my new vision. [Laughter.]

Mr. Chairman, I would ask that my entire statement be put into the record.

Senator **Murkowski**. It will be entered into the record as if read.

Senator **Levin**. I will try to summarize it, and then I will be happy to answer whatever questions you might have of me.

I think you know how I feel about this matter. The taxpayers of the United States are spending millions of dollars still to subsidize the slaughter of about 22,000 North Pacific fur seals each year and this taxpayer-subsidized slaughter serves no legitimate purpose.

When he Alaska lands were under the control of Russia many years ago, the sealing industry constituted a thriving economic resource. Seal skins were in great demand. Throughout the world nations actively competed for the right to kill seals off the Pribilof Islands in Alaska. But once Alaska became one of our possessions, we discovered that the sealing industry was in danger.

Other nations, in their search for seal skins, have adopted as a primary motive hunting and killing seals, a practice called pelagic sealing. Pelagic sealing, which is the killing of seals in the open sea, threatened the very existence of the North Pacific fur seal herds. Inherent in the killing in the open seas, is the taking of a large number of females and pups, and as a result of their deaths, as I indicated, the very survival of that herd was threatened.

We negotiated an agreement in 1911 in order to try to end that threat. We negotiated an agreement with Japan and Great Britain and Russia in which we guaranteed and the Soviet Union guaranteed Great Britain and Japan a certain number of fur seal skins each year if, in return, they agreed to end the practice of pelagic sealing.

Now, in theory, this may sound defensible. As a matter of fact, at that time, given the threat that pelagic sealing held to the herd, it was defensible and it was at one point commonsensical to spend taxpayers' dollars in order to prevent the destruction of the fur seal.

But the facts are that we no longer need the Convention and the treaty to prevent pelagic sealing. We no longer need to pay taxpayers' money to protect the species, and we no longer should be spending taxpayers' money to subsidize this slaughter.

The reason is that in 1976, we expanded our territorial claims from 3 nautical miles to 200 nautical miles. With that expansion, the practice of pelagic sealing lost its economic viability. It simply is no longer profitable to do pelagic sealing because the North Pacific fur seals do not move in any large numbers outside of the 200-mile limit.

This is why, even though they are not bound by the Convention, other nations which could have a sealing industry do not kill North Pacific fur seals. The costs of trying to kill them outside the 200-mile limit are simply too great. But we have retained the Interim Convention anyway. We continue to spend, from the midseventies on, millions of dollars annually in taxpayers' dollars in an effort to persuade the other signatory nations not to kill seals on the open sea, something they would be convinced of anyway by sheer economics.

We have continued to slaughter tens of thousands of seals year after year and to subsidize that slaughter under the illusion that somehow, as we kill them, we are saving them from a threat. That threat no longer exists. We must end the illusion under which we subsidize this kill.

As I have indicated, there is no need to kill seals in order to save them from a worse fate. The plain truth is that this Convention and this treaty is now the antithesis of an economically defensible activity.

As a nation, we have condemned the Canadian slaughter of bay harp seals. As a body, the Senate has gone on record as opposing that slaughter. Yet, we are also engaged in an indefensible act when we subsidize, when the taxpayers subsidize, the slaughter of 25,000 fur seals each year needlessly, with its principal motivation to keep the Japanese and the Canadians from doing something which they wouldn't do anyway. There just is no economic justification for this payment, for this taxpayers' subsidized slaughter. There is no ecological rationale for the subsidy. There is no moral defense for the killing that we sanction through that subsidy.

In the last 4 years, Mr. Chairman, some things have been made clearer. In particular, 4 years ago in the debate on the Senate floor in which you, and I know Senator Cranston, participated at that time, we indicated that we wanted to reduce the reliance of the Aleuts on the slaughter of seals. We also asked that studies be made to determine what the impact would be on commercial fisheries if this taxpayer-subsidized slaughter were ended.

Two agencies have analyzed the impact on the commercial fisheries if the slaughter were ended. Both the National Marine Fishery Service and the National Advisory Committee on Oceans and Atmosphere have evaluated the question. Both have said that the impact of the seals, if they were allowed to live, on commercial fishing would be negligible. In one instance the finding was that the impact would be negligible. In another case it was stated that the impact would be less than 1 percent.

So we no longer have to slaughter seals at taxpayers' expense under the illusion that we need to do so to protect a commercial fishing industry.

Another matter that has become clear during the last 4 years is the status of this treaty as an international conservation program. In testimony 4 years ago, the treaty was hailed as a highly successful conservation program. Now, we know that that assessment was wrong. The first seal population is well below optimum levels, being about 60 percent below the carrying capacity of the habitat, and we also know that in the last few years, the seal populaton in the Pribilof Islands has declined from about 2 million to less than 900,000 seals.

This record does not represent a responsible or a successful international conservation regime. As a matter of fact, the situation has deteriorated to such an extent that the Marine Mammal Commission has recommended that the fur seal be listed as a threatened species.

Mr. Chairman, many Americans have expressed a humane and rational objection to the seal killings which are sanctioned and supported by the Government of Canada. They have indicated that they find this process offensive and the product unacceptable. This nation has incorporated some of those objections into the law of the Marine Mammal Protection Act, yet our own Government is actively engaged in an agreement designed to achieve the same product through the same process. And I find that unacceptable.

We are committing ourselves, if we ratify this Convention, 4 more years of continued commercial killing of seals. Now, I know that the Aleuts have said that they will not require an additional appropriation this year. But that statement obscures rather than illuminates the central issue. It is not the Aleuts who are required to kill seals under the treaty; it is the U.S. Government.

A year ago, the Aleuts bailed out on a signed contract in which they had agreed to kill seals. In 1984, they refused to kill seals unless the Government paid them $500,000 and 30,000 seal skins, which totals about $1 million altogether. The Government agreed to the Aleuts' terms. The reason the Aleuts could make such demands is because the Government is required by treaty to kill seals. If the Government does not meet the Aleuts' demands for a contract, the option would be for the Government to send in the Marines to kill the seals.

So, of course, when the Aleuts renounced their original contract and demanded $500,000 more, the Government was forced to agree.

If the Senate, by ratifying this protocol, requires the U.S. Government to kill seals in 1985 and 1986, in 1987 and 1988, we know it is certain that the Government and the taxpayers will continue to be required to subsidize these killings.

Finally, Mr. Chairman, that brings me to the question of the continuing subsidies being provided to the Aleut people. In 1984 we requested a GAO report which documented that from 1979 to 1984, the Government has allocated nearly $80 million, including a $20 million trust fund, to the Pribilof Islands. And this report, Mr. Chairman, is part of my testimony.

Of particular interest here is the fact that in 1983, the Congress created a $20 million trust fund for the Pribilof Islands which I strongly supported. The Congress created this fund so that the Aleut natives would develop a "stable, self-sufficient, enduring, and diversified economy, not dependent on sealing," and also to meet basic human need.

Mr. Chairman, this is the law of the land. This is a 1983 statute. We appropriated $20 million in a trust fund. The purpose of this trust fund was the development of a stable, self-sufficient, enduring and diversified economy, not dependent on sealing. We have kept our end of the deal. We have kept our end of the bargain. The taxpayers have invested an additional $20 million now, given that to the Aleuts to create this diversified economy so that they would no longer be dependent on sealing.

It is now time, it is now time for the other half of the deal to be kept. And that is for this taxpayer-subsidized killing of seals to meet requirements to the Canadians and the Japanese which are no longer logical. This now must end. This is the year to end it. We can no longer delude ourselves that we are protecting the seals by killing them. It is not for the good of the seals that we are killing 22,000 a year. It is not for the good of American taxpayers that we continue to subsidize it.

All that is left is the windfall to Japan and Canada. All that is left is the subsidies to the Aleuts which we have subsidized $20 million for. All that is left is the illusion that somehow or other we are protecting the seal herd, and we can no longer live under those illusions because that is all they are, are illusions.

Mr. Chairman, I would be happy to answer any questions that you or the other members of the committee might have.

[Senator Levin's prepared statement follows:]

STATEMENT OF U.S. SENATOR CARL LEVIN

June 13, 1985

Committee on Foreign Relations

Interim Convention on Conservation of North Pacific Fur Seals

Mr. Chairman, I appreciate the opportunity to appear before you today to testify on the protocol to extend the Interim Convention on Conservation of North Pacific Fur Seals. I want to thank my colleagues from Alaska, Senators Stevens and Murkowski for their cooperation on this very, very important issue. Senator Packwood has also labored long and hard on this issue. It has been my pleasure to work with the Senator from Oregon, and stand on the same side of this issue with him.

I think my colleagues know how I feel about this matter. The taxpayers are spending millions of dollars to subsidize and operate a slaughter of 22,000 North Pacific fur seals, which no longer serves a legitimate purpose.

Mr. Chairman, years ago, when the Alaska lands were under the control of Russia, the sealing industry constituted a thriving economic resource. Seal skins were in great demand. Throughout the world, nations actively competed for the right to kill seals off the Pribilof Islands in Alaska.

Once Alaska became one of our possessions, we discovered that the sealing industry was in danger. Other nations, in their search for seal skins had adopted, as a primary mode of hunting and killing seals, a practice called pelagic sealing. Pelagic sealing, the killing of seals in the open sea, threatened the very existence of the North Pacific fur seal herds. Inherent to the killing in open sea is the taking of a large number of females and pups. And as a result of their deaths, the very survival of the herd was threatened.

The United States, in an effort to end this threat, negotiated an agreement in 1911 with the principle sealing nations -- Japan and Great Britain and Russia -- in which the United States and Russia guaranteed Great Britain and Japan a given number of fur seal skins if, in return, they agreed to end the practice of pelagic sealing. They agreed and our current approach to the slaughter of the seals was initiated.

Now in theory, Mr. Chairman, this may all sound defensible. Given the threat that pelagic sealing once represented to the continued existence of the herd, it sounds like it may have made sense to spend millions of dollars in order to prevent their destruction. But the facts are that we no longer need the convention to prevent pelagic sealing. We no longer need to spend this money in order to protect this species.

In 1976 we expanded our territorial claims from 3 nautical miles to 200 nautical miles. And with that expansion, the practice of pelagic sealing lost it economic viability. It simply is no longer profitable to do pelagic sealing because the North Pacific fur seals do not move in any large numbers outside of the 200 mile limit.

This is why, even though they are not bound by the convention, other nations which could have a sealing industry do not kill North Pacific fur seals. The costs of trying to kill them outside the 200 mile limit are simply too great.

But we have retained the Interim Convention. We have continued to spend from the mid '70s to FY '83 millions of dollars annually of taxpayer's dollars in an effort to persuade the other signatory nations not to kill seals on the open sea -- something they would be convinced of anyway by sheer economics.

We have continued to slaughter tens of thousands of seals year after year under the illusion that somehow, as we kill them, we are saving them from a threat that no longer exists.

Mr. Chairman, while I must confess that I have no love for the act of slaughtering seals for their skins, I must also confess that I am not philosophically or morally opposed to such an act if I believed it was either necessary or economically defensible. But, as I have indicated, there is no "need" to kill seals in order to save them from a worse fate.

And the plain truth is that this Convention is the very antithesis of an economically defensible activity.

I could accept the killing of seals where needed. I can accept continuing Government support of programs to make the life of the Aleuts better. But, I cannot accept the fact that we subsidize Aleuts to kill seals and that because of that subsidy are they being killed.

As a nation we have condemned the Canadian slaughter of baby harp seals. As a body, the Senate had gone on record as opposing that slaughter. Yet this nation and this Senate is engaged in an even more indefensible act when we subsidize the needless slaughter of 22,000 to 30,000 North Pacific fur seals each year.

There is no economic justification for that payment. There is no ecological rational for that subsidy. And there is no moral defense for the killing we sanction through it.

I am pleased that some things have become clearer in the four years since we last discussed ratification of this Convention. In particular, four years ago I urged a serious investigation of the impact of seals on commercial fishing operations. As you know, there is often a suggestion that seals are having a negative impact on commercial fisheries. I am pleased that both the National Marine Fisheries Service and the National Advisory Committee on Oceans and Atmosphere (NACOA) have evaluated this question. Both agencies report that seals consume less than one percent of the fish stocks in the Bering Sea, and NACOA concluded after a lengthy study that the impact of the seals on the fishery "appears negligible." Thus, it seems clear that we need no longer be concerned with continuing the treaty to control seals because of their predation on fish.

Another matter which has become clear during the last four years is the status of this treaty as a successful international conservation program. In testimony four years ago this treaty was hailed as a highly successful conservation program. Now, however, we know that that assessment was wrong. The fur seal population is well below optimum levels, being about 60 percent below the carrying capacity of the habitat. Thus, we now know that since the treaty was signed in 1957, the fur seal population in the Pribilof Islands has now declined from 2 million to less than 900,000. This record does not represent a responsible, much less successful, international conservation regime. In fact, the situation has deteriorated to such an extent that the Marine Mammal Commission has recommended that the fur seal be listed as a threatened species.

Mr. Chairman, this is an extremely important issue. Many Americans have expressed a humane and rational objection to the seal killings sanctioned and supported by the government of Canada. They have indicated that they find the process offensive and the product unacceptable. This nation has incorporated some of those objections into law in the Marine Mammal Protection Act. Yet our own government is actively engaged in an agreement designed to achieve the same product through the same process. And I find that to be unacceptable.

Mr. Chairman, at the heart of the debate, is the realization that if the Senate ratifies this Convention, it commits the United States of America to four more years of continued commercial killing of seals. In other words, should the Fur Seal Commission decide to kill seals -- as it has every year since 1957 -- then the U.S. government is obligated to kill the seals, or to have them killed.

I know, Mr. Chairman, that the Aleuts have stated they will not require any additional appropriations this year. But, that statement only obscures rather than illuminates the central issue. It is not the Aleuts who are required to kill seals under the treaty -- it is the United States government. A year ago the Aleuts bailed out on a signed contract in which they had agreed to kill seals. In fact, in 1984, the Aleuts refused to kill seals unless the government paid them $500,000 and 30,000 seal skins left unsold from previous years. The government agreed to the Aleuts' terms. However, the reason the Aleuts could make such demands is because the government -- not the Aleuts --

are required by the treaty to kill seals. If the government does not meet the Aleuts' demand for a contract, the option would be for the government to send in the marines to kill the seals. So, of course, when the Aleuts renounced their original contract and demanded $500,000 more, the government was forced to agree. And, Mr. Chairman, I should add parenthetically that it was the extra funds extracted in the 1984 contract which is providing the funds so that the Aleuts can tender an offer to kill seals this year without the necessity for additional federal funds. If the Senate, by ratifying the Protocol, requires the U.S. government to kill seals in 1985, 1986, 1987, and 1988, we know It's likely that the U.S. government will continue to be required to subsidize the killings.

Finally, Mr. Chairman, that brings me to the question of the continuing subsidies being provided to the Aleut people. In 1984, my colleague, Senator Packwood, requested a GAO report which documented that from FY 1979 to FY 1984 our government has allocated nearly $80 million *(including a $20 million trust fund) to the Pribilof Islands. Mr. Chairman this report is included as part of my testimony.

*Of particular interest here is the fact that in 1983, the U.S. Congress created a $20 million trust fund for the

Pribilof Islands, which I strongly supported. The Congress created this fund so that the Aleut natives would develop a "stable, self-sufficient enduring and deversified economy not dependent on sealing, and also to meet basic human needs." Yet here we are being asked to ratify a treaty which will force our government to pay the Aleuts to kill seals.

For our government to pay the Aleuts to kill seals will only continue and reinforce any dependence upon sealing. With taxpayers help the Aleuts have developed a more diversified and viable economy; one less dependent on a taxpayer subsidized slaughter.

The Aleuts are engaged in a new commercial fishing venture which offers realistic and long-term employment opportunities to their people and income to their community corporations. They are also taking steps to develop the other natural attractions of the Islands which will be the source of tourism, particularly the bird sanctuary which the Congress has already authorized and funded

Mr. Chairman, to summarize, I am suggesting that, first the Convention no longer serves the purpose of preventing pelagic sealing -- other factors and other forces now prevent it effectively. Second, there is now evidence to support the claim that allowing the Convention to lapse will not harm the commercial fishing industry.

This Convention has failed to sustain the seal population. Quite the opposite.

The conclusion here is compelling -- ratification of this treaty will require the United States government to have seals slaughtered for the next four years.

If taxpayers and citizens knew we were slaughtering seals for the Japanese and Canadians and were subsidizing it to boot, there would be an outpouring of repulsion and amazement

There is but one conclusion -- if this treaty is ratified the American government will be required to cause and promote the killing of seals, without the justification that was once offered when pelagic sealing occurred within the 200 mile limit and was threatening the survival of the seal.

We cannot delude ourselves that we are protecting the seals by killing them.

It's not for the good of the seals.

It is wrong for America to engage in and subsidize this senseless slaughter any longer.

FEDERAL FUNDS OBLIGATED TO THE PRIBILOF ISLANDS, ALASKA
FISCAL YEARS 1979 THROUGH 1984

Source of funding	Program/purpose	Funding itemized by fiscal years 1979	1980	1981	1982	1983	1984
COMMERCE DEPARTMENT							
Economic Development Administration	Grant to the University of Alaska	0	0	0	$100,000	0	0
	Grant to St. Paul Island to construct boat launch and repair, maintenance, and storage facilities; to provide technical assistance to local fishermen; and to undertake a tourism study	0	0	0	0	$725,000	0
	Grant to St. Paul Island to construct boat dock in conjunction with state-funded harbor improve ments	0	0	0	0	0	$2,500,000
	Grant to St. George Island for construction of a small boat ramp to serve local fishermen	0	0	0	0	0	190,000
National Oceanic and Atmospheric Administration	Operating funds for the Pribilof Islands program	$4,149,600	$5,143,300	$5,328,200	5,473,800	5,949,500	*
	Pribilof Islands trust fund	0	0	0	0	20,000,000	0
	Fur seal oversight and management, loan repayment to state, retirement benefits, and some facility upgrades	0	0	0	0	0	1,527,600
Total for Commerce		$4,149,600	$5,143,300	$5,328,200	$5,573,800	$26,674,500	$4,217,600

*Program terminated.

Source of funding	Program/purpose	Funding itemized by fiscal years 1979	1980	1981	1982	1983	1984
HEALTH AND HUMAN SERVICES DEPARTMENT							
Health Resources Services Administration	Indian health facilities, salaries, and expenses	0	0	0	$4,181	$301,000	0
	Miscellaneous administrative expenses	0	0	0	0	0	$205,166
Health Care Financing Administration	Medicare supplementary medical insurance	$24,389	$62,541	$75,727	88,403	129,845	135,069
	Medicare hospital insurance	55,442	120,338	146,125	178,838	252,661	259,429
Office of Education	Educationally deprived children	58,751	0	0	0	0	0
	Indian education grants to local education agencies/Pribilof Regional Education Area School District (St. Paul Island)	43,234	0	0	0	0	0
	Maintenance and operation of Pribilof Regional Educational Area School District (St. Paul Island)	415,176	0	0	0	0	0
Office of Human Development Services	Native American Programs/Aleut community of St. Paul Island	0	0	0	0	0	152,220

Source of funding	Program/purpose	Funding itemized by fiscal years					
		1979	1980	1981	1982	1983	1984
HEALTH AND HUMAN SERVICES DEPARTMENT (continued)							
Social Security Administration	Social security disability insurance	$100,080	$110,389	$146,738	$142,170	$105,224	$122,298
	Supplemental security income	64,304	40,933	84,274	45,384	92,364	29,815
	Social security retirement insurance	224,812	218,938	267,251	314,310	314,134	389,814
	Social security survivors' insurance	120,259	154,038	167,124	182,560	255,923	268,420
	Child support enforcement	0	0	0	10,649	16,875	22,676
	Public assistance—maintenance assistance	0	0	0	88,231	118,557	137,539
	Low income energy assistance block grants	0	0	0	73,380	71,697	0
Total for Health and Human Services		$1,106,447	$707,177	$887,239	$1,128,106	$1,668,308	$1,722,446
HOUSING AND URBAN DEVELOPMENT DEPARTMENT							
Community development block grants'	Water and sewer, electric, construction; economic development	0	0	0	0	500,000	628,000
Indian Housing Assistance Program	Housing development assistance[b]	-	-	-	-	-	-
Total for Housing and Urban Development		0	0	0	0	$500,000	$628,000

[b] A total of $6,337,200 was made available for development of housing units during fiscal years 1979-84. The specific fiscal year obligations were not readily available and are therefore not reflected in any of the totals on page 7.

Source of funding	Program/purpose	Funding itemized by fiscal years 1979	1980	1981	1982	1983	1984
INTERIOR DEPARTMENT							
Bureau of Indian Affairs	Aleut community of St. Paul Island—preparation of a tribal membership roll for native residents of Pribilof Islands	0	0	0	$21,760	0	0
	Awards of Indian Claims Commission, docket nos. 352 and 369-A	$8,500,000	0	0	0	0	0
	Employment assistance	18,750	$41,320	$42,862	21,048	$37,043	$44,778
	Expert assistance contract (EOOC14202614) to pay for services of expert witnesses	0	0	0	0	0	23,043
	Johnson-O'Malley educational assistance	20,539	4,115	6,450	4,000	4,000	4,000
	Higher education (scholarships)	15,680	13,552	12,759	10,283	5,840	5,102
	Jobs bill (housing)	0	0	0	0	275,000	0
	Secondary education	368,000	304,000	112,000	[c]	0	0
	Self-determination grants	24,000	35,700	31,568	12,407	37,267	32,565
	Social services	6,250	13,773	14,287	12,138	7,269	13,516
	St. George Island Tanaq Corp.—feasibility study for establishment of a Bering Sea fisheries industry	0	100,000	0	0	0	0

[c] Funds no longer expended with establishment of state high school on the Islands.

Source of funding	Program/purpose	Funding itemized by fiscal years					
		1979	1980	1981	1982	1983	1984
INTERIOR DEPARTMENT (continued)							
Fish and Wildlife Service	Long term lease of lands for seabird refuges	0	0	0	0	$2,000,000	0
Bureau of Land Management	Cadastral[d] surveys of the Pribilof Islands	0	0	0	0	170,000	0
Total for Interior		$8,953,219	$512,460	$219,926	$81,656	$2,536,419	$123,004
LABOR DEPARTMENT							
Employment and Training Administration	Comprehensive Employment and Training Program	$586,000	$636,000	$534,000	$192,000	203,000	0
	Jobs Training Partnership Act	0	0	0	0	0	$212,000
Total for Labor		$586,000	$636,000	$534,000	$192,000	$203,000	$212,000
TRANSPORTATION DEPARTMENT							
Federal Aviation Administration	Operation, maintenance, communications, and logistics support of the air traffic control and navigation systems and regulator functions	14,000	15,000	15,000	30,000	34,000	29,000
	Installation of new and improvements to existing air traffic control and navigation facilities	201,000	25,000	0	852,000	54,000	67,000

[d] Relating to the recording of property boundaries.

Source of funding	Program/purpose	Funding itemized by fiscal years					
		1979	1980	1981	1982	1983	1984
TRANSPORTATION DEPARTMENT (continued)							
U.S. Coast Guard	Operation and maintenance of the Loren Station on St. Paul Island.	$620,000	$657,000	$967,000	$1,371,000	$999,000	$1,332,000
Total for Transportation		$835,000	$697,000	$982,000	$2,253,000	$1,087,000	$1,428,000
Total		$15,630,266	$7,695,937	$7,951,365	$9,228,562	$32,669,227	$8,331,050

Table 1.--Eastern Bering Sea Fishery Catch,
Catch within 200 miles of the Pribilofs,
and Percentage of Total Catch

Species	Catch[1]		
	Eastern Bering Sea Catch	Pribilof Island Catch	Percentage of Total Catch
	Metric tons		
Pollock	934,517	726,780	78
Cod	36,010	27,439	76
Sole	99,902	94,043	94
Flounder	74,175	58,700	79
Halibut[2]	565,400	347,600	61
Red Crab	143,258,000	55,679,504	38
Blue Crab[3]	15,544,752	11,546,976	74
Tanner Crab[4]	82,520,000	53,351,000	65
Other	2,969,756	958	--
Total	243,063,000	121,855,000	50

[1] Based on 1979 foreign reported catches.
[2] 1980 catch data from the International Pacific Halibut Commission.
[3] 1980 catch from the Pribilof district and 1981 catch from St. Matthew and St. Lawrence.
[4] 1981 catch data.

Source: Norgaard Consultants, Inc. 1981. Briefing Document on Harbor/Port Development, Prepared for the State of Alaska, Anchorage, Alaska, p. 5.

A 1982 forecast of St. Paul community benefits to be derived from a completed harbor estimates that 500 permanent new jobs, non-construction related, would be created. Because this approximates the total current population of St. Paul, some off-island jobs are included. Annual economic development benefits are estimated at $2,136,000.[91]

Alaska has appropriated over $7 million for Phase I initial construction of the St. Paul harbor, and in late November 1984, appropriated an additional $8 million for construction of Phase II for completion in the fall of 1985; $12 million has been appropriated for similar work on St. George.[92] The Economic Development Administration has approved $2.5 million for St. Paul dock construction;[93] the bidding process has opened for completion of the construction in 1985. These appropriations are all in addition to the 20 million Federal dollars transferred to the trust funds. All in all, well over $50 million in public funds have already been committed to the transition and developmental economic support of U.S. policy away from sealing.

Important private investment potential stems from current commercial oil exploration work in the St. George basin south of the Pribilofs, currently serviced from Cold Bay in the Aleutians. Helicopter service companies are currently bidding on contracts that would use St. Paul as a principal and permanent base. In May 1985, U.S. oil companies plan exploration drilling in the Navarin Basin, northwest of Mathew Island and near the disputed Soviet-U.S. maritime boundary. The helicopter companies will service the Navarin Basin oil fields from St. Paul.

In addition, Pribilovian officials have informally identified many priority projects not associated with sealing. Included are extending the capacity of the existing fuel tank farms to bunker fishing and other vessels; upgrading existing oil storage tanks to Environmental Protection Agency standards; constructing an ocean wastewater outfall for future fish processing operations; relocating an existing 625-foot, 275,000 watt LORAN navigation tower from the airport to allow upgrading the field for instrumented landing and takeoff during 220 days of fog each year; and constructing a 360° radar scanner and VHF/UHF radio facility connected to telephone system as both a safety measure and communications service to the fishing fleet. Other desirable projects include windmill electric power generation (average annual windspeed 15 mph) to reduce dependency on fuel oil and a variety of urgently needed counseling services in halibut fishery management and marketing.[94]

The U.S. Government, private entities, and the Pribilovians are obviously committed to major policy and financial decisions to move with all reasonable speed to diversify the economy. NACOA recognizes that the transition from the current economy will traverse a slow and often painful course. Financial assistance of varied form will be necessary for at least several years for capital investment, social support, and civic operation. Some may arise from trust fund distributions. Others may arise from servicing of existing fishing operations once the dock joins the harbor breakwater now in place. The continued oil exploration in the St. George Basin and new drilling services in the Navarin Basin will provide additional financial benefits.

Despite the imminence of such favorable indicators and potential resources, NACOA suggests that the U.S. Government should consider the reasonableness of temporarily easing hardships which might occur during the transition. However, NACOA believes this aid must support the development of economic activities with near-term economic benefits and not take the form of increased public welfare.

Senator MURKOWSKI. Thank you very much, Senator Levin. We appreciate your testimony and want to assure you that your entire statement will be entered into the record as if read.

In your opening remarks, you indicated that we could no longer continue the subsidy. Is it your contention, Senator, that there is a subsidy proposed this year by the Federal Government for the harvest of the seals?

Senator LEVIN. It is my contention that there will continue in fact to be a subsidy. The Aleuts have indicated they do not need any money this year. They also had an agreement with us last year from which they bailed out, and because we were bound by this treaty to kill seals, they have us over a barrel.

Senator MURKOWSKI. So it is your contention that there is indeed a proposed subsidy for this year?

Senator LEVIN. It is my contention there will be, in fact——

Senator MURKOWSKI. For the specific harvest purpose.

Senator LEVIN. If I could answer the question, it is my understanding that there is an agreement which has been tendered to the Aleuts which they have not yet signed, that there would not be any funding this year. It is also my understanding that the Agency has about $300,000 left over in a supplemental appropriation from last year. And my argument is that if we are bound by treaty to provide these skins, as we would be if we ratified it, that in fact we would be over a barrel, and the result will be that we would continue to pay a subsidy this year and in the years ahead.

That is what I believe will be the clear result of being required to produce these skins.

Senator MURKOWSKI. On page 2, of a letter addressed to you, under the fifth particular paragraph, it says, and I quote:

> There will be no U.S. Government funds expended for the seal harvest in 1985. It is to be conducted by the Aleuts on a pure economic basis by a profit-making Alaskan Native corporation at Anzistik at its own financial risk.

Do you have any comment on that statement?

Senator LEVIN. Yes. While I am not aware of that particular language in the Secretary's letter, my understanding is the following:

No. 1, the Aleuts have not signed up to any agreement that they would not be paid either in kind or in dollars this year. I do not believe that they have waived any claim to pelts, the skin, or to dollars this year. And if, in fact, they were able to get by this year without it, so that they can get this treaty ratified, what I am predicting is that based on the history here, that we can be confident in saying that that will not be true in the outyears. I do not think it is even true this year, by the way, because I think there is an in-kind payment which is not covered by the Secretary's letter, which would be worth $500,000. And, on top of that, I do not believe that the Aleuts have even agreed not to demand any dollars this year.

Senator MURKOWSKI. Well, we will both have an opportunity to find out, because we are going to have witnesses from the administration for which I hope you will be here with us. We are also going to have witnesses from the Native group of Pribilovians representing the Aleuts on the Islands.

Senator LEVIN. A good way to test that theory, Mr. Chairman, would be to ask the representatives of the Aleuts if they would agree to no compensation in dollars or in kind during the life of this Convention. That is a good way to test it.

Senator MURKOWSKI. Well, I am sure you and I both know what kind of answer you would get from that. That has traditionally been their economy.

Senator LEVIN. And we provided them $20 million as an alternative. But if that is their answer, that is traditionally their economy, then that is the answer to your question.

Senator MURKOWSKI. Well, I think it is the answer to both our questions, isn't it, because the economic vitality and lifestyle there is their fishing and hunting. This has been the traditional mode, but rather tha debate the issue, I think we will have witnesses that are conversant with the realities associated with (a) the Administration's position on whether or not indeed there is proposed Federal funding this year or there is not.

I would suggest that you have the same situation undoubtedly as I do, because I have a copy of the letter from the Secretary that was sent to you citing this fifth proviso, and I know in my office many things come in that I do not get an opportunity to review.

Senator LEVIN. (a) I do not doubt the language that the chairman has read, but what I am saying is, in fact, they would not agree to waive any payment in kind or any claim for dollars for the next 4 years during the life of the treaty, then that answers the question very clearly.

If they will not make that statement, then I am right. There is going to be a continuing subsidy, and if they will not waive any claim to either the furs or to dollars, then I am right; there is going to continue to be a subsidy. But I am also right because the law says in 1983 that we provided $20 million to develop a stable, self-sufficient, enduring, and diversified economy, not dependent on sealing.

The taxpayers have kept our end of this bargain. We gave them $20 million as part of $80 million over the last few years to create an economy not dependent on sealing, and I am sensitive—let me tell the chairman and other members of this committee, I understand jobs. I come from a State that has one of the highest unemployment rates in the country. So, when you appeal to me on a jobs basis, you are striking a very sensitive chord.

And I am going to do what I can to help these folks create alternative economies for themselves. But we have. And I can remember my friend from California on the floor in a very eloquent statement 4 years ago making exactly that point. He supported the compromise amendment which we adopted, because in his words, he believed it would finally eliminate the dependency on this commercial sealing.

Senator **Murkowski**. Senator, I think we could discuss all day the question of dependency and whether people who live out in a very isolated area are going to become dependent on continued Government handouts in one form or another, or are going to pursue their traditional livelihood.

And obviously, you are going to see a situation where a little of both exists. I think we are drifting away from the subject matter, and I certainly do not mean to withdraw from the points you are making, but the question we have before us is whether the treaty is in the best interest—and I guess it is the best interest not only of the United States, but the best interest of the seal.

In your opening remarks, you made reference to the concern about pelagic sealing and I think generalized that you did not feel it was an extraordinary risk.

One has to reflect on the reason the treaty was first enacted, and that specifically was to address the issue of pelagic sealing and the sad plight of the seals which were almost extinct. They were below 300,000.

The question, of course, is: Is it likely that pelagic sealing will recur if we do not have a treaty? We have a letter here from the Embassy of Japan indicating the attitude of the Japanese. I do not think I have had an opportunity to transmit a copy of this to you, but it is indeed disturbing, and I will make a copy available. It just came in June 12.

It says, in the last paragraph:

> However, despite the prohibition, we have continued to observe groups within Japan who are interested in resuming commercial pelagic sealing. These groups have been represented as observers at past annual meetings of the Fur Seal Commission. Additionally, these are also groups which insist on resuming pelagic sealing, claiming that they have suffered great damage to their coastal fisheries by fur seals. Therefore, should the present Convention be terminated, we anticipate that these groups may request a resumption of pelagic sealing.
>
> All in all, what is clear is that without the present Convention, the Government of Japan would lose the most persuasive justification for the retention of its domestic ban on pelagic sealing and the issue of pelagic sealing would be left entirely in the hands of the Legislative Branch.

I am wondering if that kind of signal influences in any way your position on pelagic—the threats of pelagic sealing.

Senator **Levin**. Mr. Chairman, the economics are such that we do not believe pelagic sealing represents a real threat, for the reason I gave—that there is a 200-mile limit now which is very much different from what the limit was in the early 1900's when there was a threat to the survival of the herd.

It was a 3-mile limit then. In 1976, we extended our territorial claim to 200 miles. So that is a drastic and radical difference now from a few years ago.

Second, the Japanese can control pelagic sealing under their own law and I believe they have a prohibition on pelagic sealing.

Senator **Murkowski**. Because of the treaty.

Senator **Levin**. Under domestic law. Well, maybe it is because of the treaty, or maybe because of other attitudes which might be reflected in that law. We do not know. But they do have a domestic law which they can or cannot continue. It is up to them.

Third, they have an agreement with the Soviet Union that also provides them skins. The Soviet Union, I believe, has indicated that the Japanese would be dissuaded from pelagic sealing because of that treaty as well, so we cannot ignore the fact that there is an agreement between Japan and the Soviet Union which also controls pelagic sealing.

Finally, I believe that we have some authority under our fishing rights agreements with the Japanese relative to pelagic sealing that we can indicate that a condition of any agreement that they fish in our waters would be that they not engage in pelagic sealing. It is a perfectly legitimate condition on an agreement to allow them to fish in our waters.

So, I think Mother Nature will take care of it. I think the free market will take care of pelagic sealing, but if neither one of them do, if it, in fact, is economical to do pelagic sealing, then there are controls of that through agreements between the Soviet Union and Japan and through agreements between ourselves and Japan relative to their fishing in our waters.

And I might point out that if pelagic sealing were, in fact, economical, there are many other countries that could have engaged in it in the last few years. There is pretty good evidence that it is not economical, that other countries have not engaged in pelagic sealing over the last few years.

Senator **Murkowski**. Well, I would again refer you to the last paragraph of that letter which I think is pretty significant, and I quote:

> All in all, what is clear is that without the present Convention, the Government of Japan would lose the most persuasive justification for the retention of its domestic ban on pelagic sealing.

That, to me, Senator, is a pretty clear signal of their intention. The economics of sealing, I guess, will be addressed by later witnesses with regard to the condition of the first seal market.

You indicated a concern over the authority of the 200-mile limit which would encompass a significant jurisdiction of life cycle of the seal in general.

In February, there was an environmental impact statement on the International Convention on the North Pacific seal, stating that all northern fur seals must spend a portion of their lives in waters outside the jurisdiction of both the United States and Canada. Certain females take a direct route from the west coast to the Pribilofs each spring, a component of the population that is most sensitive to harvesting and at the greatest risk in any possible resumption of pelagic sealing.

I guess this simply contends they spend some time in the 200-mile limit where we do have control and some time outside the 200-mile limit, where, obviously, they would be exposed to the hazards that currently exist out there and the hazards that might exist if there is not a treaty.

Senator Evans.

Senator **Evans**. I have no questions.

Senator **Murkowski**. Senator Cranston, I am sure, will be joining us again shortly. I have no further questions, Senator Levin.

Senator **Levin**. Mr. Chairman, if I might close, I would thank the committee for inviting me to testify. We have worked closely with my friends from Alaska, Washington, California, and other members of this committee on this issue I would hope also that the full letter from the Embassy of Japan would be made a part of the record.

I note that there is also language in this letter, of which I just received a copy, which says that it may be that the termination of the Convention will not automatically lead to the resumption of Japanese pelagic sealing, which gives something of a slight different flavor on it.

And finally, relative to the last comment, Mr. Chairman, on the pelagic sealing, it is true that seals do go outside the 200-mile limit, but they do so, as I understand it, singly or in pairs and not in herds. And that is a critical difference in terms of the economic feasibility of pelagic sealing.

Again, my thanks for this committee's delving in some depth into a matter which is so critical to all Americans.

[The information referred to follows:]

EMBASSY OF JAPAN
2520 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20008
(202) 234-2266

June 12, 1985

The Hon. Frank H. Murkowski
United States Senator
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Murkowski:

In reference to your letter of June 6, 1985 concerning Japan's position on pelagic sealing in relation to the Interim Convention on the Conservation of North Pacific Fur Seals, I am pleased to transmit to you the following response to your inquiry.

The Government of Japan, together with other concerned countries, has supported and will continue to support the rational conservation and management of marine living resources, including fur seals and other marine mammals, by competent international organizations. It further believes that a proper international management scheme will not only most effectively utilize such resources for the benefit of humankind, but will also contribute to the conservation of such resources. The Government of Japan therefore strongly supports the scheme of fur seal management as envisioned in the present Convention and has accepted, as Canada and USSR did, the 1984 Protocol to apply the Convention.

In this connection, the Government of Japan considers pelagic sealing to be a viable utilization of fur seal resources, provided that the Fur Seal Commission concludes, - based on the joint study by the four nations, - that pelagic sealing in conjunction with land sealing can be permitted in certain circumstances without adversely affecting achievement of the objectives of the Convention. However, since the Commission has not yet reached a conclusion, the Government of Japan maintains, in accordance with its domestic law, an interim prohibition on pelagic sealing by Japanese nationals, except for research purposes as recommended by the Scientific Committee established under the Convention. This policy will be maintained as long as the Convention remains in effect.

What might happen without the Convention can only be speculated. Since there is currently no commercial fur sealing industry in Japan, it may be that the termination of the Convention will not automatically lead to the resumption of Japanese pelagic sealing.

However, despite the prohibition, we have continued to observe groups within Japan who are interested in resuming pelagic commercial sealing. These groups have been represented, as observers, of past annual meetings of the Fur Seal Commission.

Additionally, there are also groups which insist on resuming pelagic sealing claiming that they have suffered great damage to their coastal fisheries by fur seals. Therefore, should the present Convention be terminated, we anticipate that these groups may request a resumption of pelagic sealing.

All in all, what is clear is that without the present Convention the Government of Japan would lose the most persuasive justification for the retention of its domestic ban on pelagic sealing, and the issue of pelagic sealing would be left entirely in the hands of the legislative brahch.

We have always appreciated your support for the ratification of the 1984 Protocol of the Convention and we hope that the above response sufficiently answers your inquiry.

Yours sincerely,

Hisao Azuma
Counselor
(Agriculture, Forestry
and Fisheries)

HA:th

Senator MURKOWSKI. Thank you very much. I certainly believe, Senator Levin, that we have common interests, though perhaps a different viewpoint on how to get there. The common interest, of course, is the maintenance of the resource and whether we can do it better with the treaty or better without a treaty.

And you would, of course, agree that that is the whole point of this rather extensive exercise that we are undertaking.

Senator LEVIN. I think that is our common goal. Thank you so much.

Senator MURKOWSKI. Thank you very much, Senator.

Our next witness will be a statement from the Honorable Marlow Cook on the protocol on amending the North Pacific Fur Convention.

Mr. COOK. Mr. Chairman, the State Department is here. If you wish to take the State Department at this time, I would be perfectly happy to yield.

Senator MURKOWSKI. Well, we appreciate that offer, but you look comfortably seated and it would be, I think, inappropriate to ask you to vacate now in favor of the State Department. I do not know what their time demands are, but I am sure the former Senator from Kentucky has time demands as well.

STATEMENT OF HON. MARLOW W. COOK, A FORMER U.S. SENATOR FROM KENTUCKY

Mr. COOK. Mr. Chairman, do not put me in the position of Senators who are on their way over here because I am not a Member of the Senate. I practice law in Washington with the law firm of Bishop, Liberman, Cook, Purcell & Reynolds, and I have been asked by the president of the St. Paul Aleut Village Corp. to appear in support of the Senate's advise and consent for the ratification of the protocol amending the North Pacific Fur Seal Convention.

And before I get to my remarks, Mr. Chairman, I would like to take just a minute because I was listening to Senator Levin's remarks and particularly relative to the action taken by the Senate on the Pribilofs and the trust fund that was established, unfortunately during the course of those debates, regardless of what remarks may have been made by members of the U.S. Senate and even members of the Alaskan delegation, the dependency on sealing, the fact that it should be eliminated—and that was a part of that argument—unfortunately, the nations of Canada and Japan and Russia were not a part of that debate, and they certainly are a part of this protocol and a very important part of this protocol, as we move along.

The Convention and a predecessor agreement have been in force since 1911, when the United States successfully negotiated an international agreement with Russia, Great Britain, then for Canada and Japan, to protect the North Pacific fur seals from extinction.

The number of fur seals at that time had been reduced to dangerously low levels by extensive, unregulated hunting at sea or pelagic sealing. By the way, far, far, lower than the figures are at the present levels.

Although Japan unilaterally returned to pelagic sealing from 1941 until the present Convention was negotiated in 1957, the International Conservation Regime for the Protection of Fur Seals has otherwise been an effective mechanism that has protected seals from opportunistic slaughter on the high seas and the rookeries.

It has allowed the rebuilding of the seal herds to levels that ensure the survival of the species.

Mr. Chairman, the Aleut people of the Pribilof Islands of Alaska, more than any other people, are concerned about the protection and conservation of fur seals, the great majority of which return annually to the Pribilofs for breeding. The Aleut people have the same goal as those who will oppose the extension of the Convention in this hearing, the protection of the seals.

It is the view of St. Paul that the seals will be better protected by extending the Convention for 4 years as recommended by the Department of State. Others disagree and would have the Senate abandon the Convention.

I should like to address the present and continuing benefits of the fur seal convention. First and foremost, the Convention prohibits parties to the Convention from engaging in the indiscriminate hunting of seals. Indirectly, the Convention protects the seals from pelagic sealing by other countries as well.

Under U.S. law, any nation that is not a party to the treaty may be sanctioned if its nationals violate the terms of an international conservation regime to which the United States is a party. If the United States fails to ratify the extension of the first seal Convention, this protection, too, will be lost and any nation will have the opportunity to resume pelagic sealing outside the U.S. 200-mile limit.

Now, I would suggest that there is a naîvete about the 200-mile limit, because I think the Senator from Alaska will already have a great deal of knowledge as to the violations that are committed by international fishery operations today, well within the 200-mile limit. And if the 200-mile limit is an absolute bar and an absolute wall, I would suggest to you that we have a lot of problems coming up out of South America into Florida and into the gulf, with billions and billions of dollars of drugs that get into the United States, and they certainly do penetrate the 200-mile limit.

So I would suggest to the chairman that the fact that we have a 200-mile limit is a degree of protection, but not a degree of protection that we, with all of the facilities of the U.S. Government, can protect without any severe violations.

The opponents to the protocol simply dismiss the threat of resumed pelagic sealing. And I think this position is naive. The fishing nations of the world have long considered the fur seal as a competitor with man for limited and valuable species of fish. Fishermen are inclined to kill seals at sea as a form of predator control.

As stated on June 3 by Mr. Nomura, First Secretary of the Japanese Embassy:

> Japan has always wanted to maintain the option of pelagic sealing as a national policy. Without the Convention, we lose every tool or justification to maintain the prohibition of pelagic sealing by Japan.

In addition to sealing for fisheries' predator control, there remains the commercial value of the pelts. For more than 200 years, man has taken North Pacific fur seals for the value of the fur. Fortunately, for the past 74 years, the commercial harvest of seals has been regulated and controlled under the terms of the Convention and pelagic sealing has been suspended.

Mr. Chairman, there is every reason to believe that the pelts of fur seals are returning to their traditional place in the market. Maybe that is unfortunate. But after a number of years of declining market value, experts have said that is now a product in demand.

Expert witnesses will testify to this fact later in this hearing. While I am not personally familiar with the market, I am confident that we cannot afford to assume that pelagic sealing, absent the Convention, will not be undertaken by entrepreneurs who see the opportunity for profit in the fur trade.

The Convention opponents suggest that the Pribilof seals will be adequately protected from pelagic sealing because of the control the United States maintains within its 200-mile exclusive economic zone. And they suggest that the Soviet Union, absent the Convention, will take unilateral action to ensure the protection of those seals that migrate into the Western Pacific to the Soviet rookeries each year. This position, I think, is without merit.

The scientists have determined that all pregnant female seals migrate outside the 200-mile limit and return to the Pribilofs, and the herds that return to the Soviet rookeries migrate outside that country's waters as well. If the Convention is not extended, there will be no practical national or international mechanism to protect the seals in their far-ranging migrations on the high seas.

Mr. Chairman, the fur seal stocks on the Pribilofs have been declining in recent years. This fact is of the greatest concern to the people of the St. Paul Islands and it is of the greatest concern to everyone in this hearing room.

One thing seems clear from the evidence: that carefully controlled annual harvest on St. Paul Island, which involves only nonbreeding subadult male seals, is not a causative factor in the decline. There has been no harvest on St. George Island since 1972. Yet, the decline on that island parallels the decline on St. Paul.

The possible contributing factors will be discussed by the experts in subsequent testimony today. They include entanglement with fishing debris at sea, the stress on the pollock food web throughout the Bering Sea, the residual effects of the harvest of female seals on the Pribilofs in the late 1950's and in the late 1960's, and other factors.

Under the auspices of the treaty, Mr. Chairman, research will continue on the causes of the recent decline in the Pribilof fur seal herds. The United States should increase its contribution to this research, and other parties to the Convention should do the same.

One thing is certain. The failure to ratify the Convention will ensure the introduction of variables such as pelagic sealing for predator control that will jeopardize the ongoing research effort.

Mr. Chairman, the research coordinated under the Fur Seal Convention is not limited to the principal suspected causes of the Pribilof population decline. Other research projects recommended by the standing Scientific Committee at Tokyo in April include the effect of organic pollutants on the seals, the sex ratio of pups, the availability of food to young seals as they enter the pelagic environment, and other important factors that might lead to better answers and enhance protection for the species.

Mr. Chairman, the key question is whether this country will participate with other interested countries in the scientific management of a species. The management of our wild life is important to Alaska and to other States. The opponents would reject the concept of scientific management. If that is the case in the Pribilofs, what will happen on the Eastern Shore in Maryland, deer hunting in the State of Michigan, and other States where harvesting and hunting are allowed on a scientific basis?

The testimony today, on balance, will show, Mr. Chairman, the following points which, in my judgment, should be dispositive in this committee's consideration of the question:

One, pelagic sealing has been virtually eliminated by the Convention and the availability of the so-called Pelly amendment. And, by the way, it is very important to consider the Pelly amendment in relation to Senator Levin's testimony, because he said it has not been profitable for any other country to go into pelagic sealing. Well, there is something more than profitability in that, and those are the "Pelly amendments."

Let's take Korea, for instance, if they decided to go into pelagic sealing. Korea would be prohibited from doing any fishing under any license or approvals within the 200-mile limit if they were accused of pelagic sealing, and we thus could authorize that sanction against the country of Korea.

So, there is another incentive besides the profitability, as Senator Levin indicated, in why pelagic sealing is not carried on by nonmembers of this protocol.

Second, there are incentives for Japan and perhaps other countries to resume pelagic sealing, at least for protection of limited fisheries' resources outside the United States exclusive economic zone.

Third, the Convention permits the United States to coordinate and participate in research for the protection of the North Pacific fur seal throughout its range.

Fourth, the decline of the Pribilof stocks can best be addressed and resolved within the context of the Convention's regulatory mechanisms. If it is necessary to suspend the commercial harvest because of further decline, that action should be taken without fear of resumed attacks on the seals at sea and as a result of a scientific determination.

Fifth, the commercial harvest under the present circumstances is considered extremely important by Japan and perhaps the other parties to the Convention. Their continued cooperation can be assured only if the United States fulfills its responsibilities and ratifies the protocol extending the Convention.

Sixth, the U.S. Department of Commerce determined on March 6, 1985, after full notice and comment, that the North Pacific Fur Seal is not a threatened species. As has been the case for many decades, this security can be attributed to the continuing viability of the Convention.

Seventh, the opponents of ratification strike at the foundation of scientific management in every State in this country. They essentially oppose harvesting and taking on what they consider to be social rather than scientific grounds.

Mr. Chairman, I have suggested that all witnesses share the commitment to the conservation and protection of the North Pacific seal. The question is whether that goal can best be accomplished by abandoning the Convention or continuing the Convention in force.

After all the evidence is in, I trust the committee will share the view of the State Department, the Commerce Department, a number of leading environmental organizations and the Aleut people, that the best chance for survival of the fur seals and continued rational management of all species is the continued cooperation of the United States under the terms and conditions of the Fur Seal Convention.

[Mr. Cook's prepared statement follows:]

Statement of

Marlow W. Cook, Esq.

Mr. Chairman, Members of the Committee, my name is Marlow W. Cook, with the law firm of Bishop, Liberman, Cook, Purcell & Reynolds. I have been asked by Mr. Larry Merculieff, President of the St. Paul Aleut village corporation, to appear in support of Senate advice and consent to the ratification of the Protocol amending the North Pacific Fur Seal Convention.

The Convention and a predecessor agreement have been in force since 1911, when the United States successfully negotiated an international agreement with Russia, Great Britain (for Canada), and Japan to protect the North Pacific fur seals from extinction. The number of fur seals, at that time, had been reduced to dangerously low levels by extensive, unregulated hunting at sea -- or pelagic sealing. Although Japan unilaterally returned to pelagic sealing from 1941 until the present Convention was negotiated in 1957, the international conservation regime for the protection of fur seals has otherwise been an effective mechanism that has protected seals from opportunistic slaughter on the high seas and the rookeries. It has allowed the rebuilding of the seal herds to levels that ensure the survival of the species.

Mr. Chairman, the Aleut people of the Pribilof Islands of Alaska, more than any other people, are concerned about the protection and conservation of fur seals, the great majority of which return annually to the Pribilofs for breeding. The Aleut people have the same goal as those who will oppose the extension of the Convention in this hearing -- the protection of the seals. It is the view of St. Paul that the seals will be better protected by extending the Convention for four years, as recommended by the Department of State. Others disagree, and would have the Senate abandon the Convention.

I should like to address the present and continuing benefits of the Fur Seal Convention. First and foremost, the Convention prohibits parties to the Convention from engaging in the indiscriminate hunting of seals. Indirectly, the Convention protects the seals from pelagic sealing by other countries as well. Under United States law, any nation that is not party to the treaty may be sanctioned if its nationals violate the terms of an international conservation regime to which the U.S. is a party. If the United States fails to ratify the extension of the Fur Seal Convention, this protection will be lost and any nation will have the opportunity to resume pelagic sealing outside the U.S. 200-mile limit.

The opponents to the Protocol simply dismiss the threat of resumed pelagic sealing. This position is naive. The fishing nations of the world have long considered the fur seal as a competitor with man for limited and valuable species of fish. Fishermen are inclined to kill seals at sea as a form of predator control. As stated on June 3rd by Mr. Ichiro Nomura, First Secretary of the Japanese Embassy:

> Japan has always wanted to maintain the option of pelagic sealing as a national policy... without the Convention we lose every tool or justification to maintain the prohibition of pelagic sealing by Japan.

In addition to sealing for fisheries predator control, there remains the commercial value of the pelts. For more than 200 years men have taken North Pacific fur seals for the value of the fur. Fortunately, for the past 74 years, the commercial harvest of seals has been regulated and controlled under the terms of the Convention. And pelagic sealing has been suspended.

Mr. Chairman, there is every reason to believe that the pelts of fur seals are returning to their traditional place in the market, after a number of years of declining market value. Expert witnesses will testify to this fact later in this hearing. While I am not personally familiar with the market, I am confident that we cannot afford to assume that pelagic sealing, absent the Convention, will not be undertaken by entrepreneurs who see the opportunity for profit in the fur trade.

The Convention opponents suggest that the Pribilof seals will be adequately protected from pelagic sealing because of the control the United States maintains within its 200 mile exclusive economic zone. And they suggest that the Soviet Union, absent the Convention, will take unilateral action to ensure the protection of those seals that migrate in the Western Pacific to the Soviet rookeries each year. This position is without merit. The scientists have determined that all pregnant female seals migrate outside the 200-mile limit in returning to the Pribilofs. And the herds that return to the Soviet rookeries migrate outside that country's waters as well. If the Convention is not extended, there will be no practical national or international mechanism to protect the seals in their far-ranging migrations on the high seas.

Mr. Chairman, the fur seal stocks on the Pribilofs have been declining in recent years. This fact is of the greatest concern to the people of St. Paul Island, and it is of the greatest concern to everyone in this hearing room. One thing seems clear from the evidence: the carefully controlled annual harvest on St. Paul Island, which involves only non-breeding sub-adult male seals, is not a causitive factor in the decline. There has been no harvest on St. George Island since 1972, yet the decline on that island parallels the decline on St. Paul.

The possible contributing factors will be discussed by the experts in subsequent testimony today. They include entanglement with fishing debris at sea, the stress on the pollock food web throughout the Bering Sea, the residual effects of the harvest of female seals on the Pribilofs in the late 1950's and 1960's, and other factors.

Under the auspices of the treaty, research will continue on the causes of the recent decline in the Pribilof fur seal herds. The United States should increase its contribution to this research, and other parties to the Convention should do the same. One thing is certain: the failure to ratify the Convention will ensure the introduction of variables, such as pelagic sealing for predator control, that will jeopardize the ongoing research effort.

Mr. Chairman, the research coordinated under the Fur Seal Convention is not limited to the principal suspected causes of the Pribilof population decline. Other research projects recommended by the Standing Scientific Committee at Tokyo in April include the effect of organic pollutants on the seals, the sex ratio of pups, the availability of food to young seals as they enter the pelagic environment, and other important factors that might lead to better answers and enhanced protection for the species.

Mr. Chairman, the key question is whether this country will participate with other interested countries in the scientific management of a species. The management of our wildlife is important to Alaska and to other states. The opponents would reject the concept of scientific management. If that's the case in the Pribilofs, what will happen on Eastern Shore in Massachusetts, Nebraska and the other states where harvesting and hunting are allowed on a scientific basis.

The testimony today on balance will show, Mr. Chairman, the following points which, in my judgment, should be dispositive in this committee's consideration of the question.

First, pelagic sealing has been virtually eliminated by the Convention and the availability of the so-called "Pelly Amendment" sanctions against nonparty governments and their nationals.

Second, there are incentives for Japan, and perhaps other countries, to resume pelagic sealing, at least for protection of limited fisheries resources outside the U.S. exclusive economic zone.

Third, the Convention permits the United States to coordinate and participate in research for the protection of the North Pacific fur seal throughout its range.

Fourth, the decline of the Pribilof stocks can best be addressed and resolved within the context of the Convention regulatory mechanism. If it is necessary to suspend the commercial harvest because of further declines, that action should be taken without fear of resumed attacks on the seals at sea and as a result of a scientific determination.

Fifth, the commercial harvest, under present circumstances, is considered extremely important by Japan, and perhaps the other parties to the Convention. Their continued cooperation can be assured only if the U.S. fulfills its responsibilities, and ratifies the Protocol extending the Convention.

Sixth, the U.S. Department of Commerce determined on March 6, 1985, after full notice and comment, that the North Pacific fur seal is not a threatened species. As has been the case for many decades, this security can be attributed to the continuing viability of the Convention.

Seventh, the opponents of ratification strike at the foundation of scientific management in every state in this country. They essentially oppose harvesting and taking on some social rather than scientific grounds.

Mr. Chairman, I have suggested that all witnesses share the commitment to the conservation and protection of the North Pacific fur seal. The question is whether that goal can best be accomplished by abandoning the Convention, or continuing the Convention in force.

After all the evidence is in, I trust the committee will share the view of the State Department, the Commerce Department, a number of leading environmental organizations, and the Aleut people, that the best chance for survival of the fur seals and continued rational management of all species is the continued cooperation of the United States under the terms and conditions of the Fur Seal Convention.

Thank you, Mr. Chairman.

Senator MURKOWSKI. Thank you, Senator, for your very comprehensive testimony. You have covered a wide field of interests and have covered many questions that are going to be examined further at the hearing.

I am wondering if you would comment on Senator Levin's indication that he believes there will be a subsidy, regardless of the assurance by the Secretary of State that there will be no Federal funds involved in the seal harvest under the treaty.

I guess the question is: Do you have any reason to believe the Pribilonians will conduct the harvest without Federal assistance if it is, indeed, authorized?

Mr. COOK. It is my indication from the corporation that they have so advised the State Department that that is their intention, to live within the framework of that agreement.

I would think, Mr. Chairman, if that is a concern of the Senators, that a condition be attached to the Convention on its consideration on the floor, that you see to it that that prevails.

Senator MURKOWSKI. Would you care to comment on the disparity between the positions of the environmental groups? I am sure you have had an opportunity to reflect on the list of those that are supportive of the treaty; namely, the Audubon Society, the World Wildlife Fund, the National Wildlife Federation, the Wildlife Legislative Fund of America, the Wildlife Management Institute, the Wildlife Society, the International Association of Fish & Game Agencies, and the National Wildlife Refuge Association, all groups whose letters we have as part of the record; and those opposed, including the Humane Society, the Friends of the Animals, the National Humanities Center, Green Peace, and Animal Protection Institute.

Mr. COOK. Mr. Chairman, it is almost a question you should not have asked me, because I used to be a member of the board of directors of the Humane Society in the community in which I lived.

Senator MURKOWSKI. I did not know that.

Mr. COOK. As a county excecutive, we contributed a great deal of money for a new shelter, because it was in such terrible shape. And as a young legislator, I spent two full sessions getting legislation passed to eliminate the dog license fees in my own State from going for no other purpose than to see to it that farmers were paid for the loss of cattle or the loss of sheep.

We turned that totally and completely around, Mr. Chairman, and we dedicated that fund to the elimination of rabies as a disease in the Commonwealth of Kentucky. We set up clinics to see to it that all animals were inoculated. We spent all the money out of that fund to see that it was done.

And I see a change in this whole thing, Mr. Chairman, because I see that these organizations are now competing with each other. And I see that, in effect, what really may well transpire is those letters in your file from Audubon and from other organizations that support the continuation of these treaties, that they will well wind up being duplicated and being sent to members of those organizations, and it will say, "Come join the Humane Society; you really shouldn't be with that organization."

And I see they are all competing with each other and they are taking a position that is so adamant and unchangeable that they really cannot look beyond the fact that there is no compromise on any of these things. I have seen it happen more and more in almost every organization that you and I deal with almost on a daily basis in the mail.

I think it is unfortunate, Mr. Chairman, because the thing that bothers me is that the adamant view that has been taken by these organizations was not taken at any meetings of the Commission in Japan or the meetings of the Commission in previous years to say this is not necessary; you should not do this. They did not present their case within the framework of the protocol in existence.

They come to us after—I mean they come to the public, us, all of us, after the treaty has been ratified by Canada, after the treaty has been ratified by Russia, after the treaty has been ratified by Japan, and say it is up to us not to do it.

We submitted this to the respective countries to be approved and now they are saying, "Back off." It seems to me that their proper challenge to do this—was to involve themselves in all of the scientific meetings throughout the 4 years of the treaty, so that they could make their point at that point, and so the United States would not now find itself in a position where it fostered the reestablishment of a protocol that has been in existence since 1911, and now we are asked, we are asked to say to this committee, "Walk way from it and do not approve it."

I have to say to you that I think that all of the respective organizations relative to wildlife ought to get together and get their act together, rather than fight each other, and I do not think they all ought to fight like the very devil over the membership of those organizations to see who can be the biggest and the most powerful.

I think it is most unfortunate.

Senator **Murkowski**. Let me ask you a hypothetical question. Applying the significance and success in general of the Migratory Bird Treaty which covers three countries, the United States, Canada, and Mexico—and there are some who would be critical of Mexico's position, but in any event, we have had it for a long time and it appears to be better to have it than not have it—and what we have got here which is a protocol, obviously different species involving four countries, and the implication that by not having a protocol, we are going to save the seals, or the seals will not be harvested, or the indication being that, in effect, the seals will be protected by not having a treaty.

I assume the same point of view could prevail on the migratory birds if the United States stepped out of the treaty, because we did not want to put the pressure on the birds, whether it be the ducks or the geese or what have you, that the ducks and geese would be better off. I assume there is an application of principle here in this matter of treaties, international treaties, that is a common theme, and that is the management, the ability to manage the resource when the resource does not stay in one area.

I wonder if you would care to generalize and——

Mr. **Cook**. I think probably the best example of how well that works, Mr. Chairman, very frankly, is how it works on the migratory bird commonly referred to as the Canadian goose. It is the State's authority to establish the period of hunting and the bag limit. However, if they go beyond what the Federal Government considers to be a reasonable harvest in relation to length or as to bag limit, the Federal Government would deny the ability within that State to purchase Federal migratory bird stamps, which means the individual could not hunt them at all.

If this were to be the case, then what you would see is, you would see what we have with jacklighting of deer and all the rest of the business, because I think man has been involved—as a matter of fact, that sort of treaty and those sorts of rules and regulations stop the indiscriminate killing of ducks by, literally, the thousands, with machinations to defy man's ability.

And those things have all created, probably, the ability to now say that there are more geese in the air than there have ever been in the history of the basic flights that go from Canada down the West, Canada down the central part of the United States and Canada into the eastern sections of the east coast of the United States.

This certainly also applies to the duck population. This has a great deal to do with the decrease in the herd. And, by the way, we have also seen that many, many problems have been created as a result of the duck population and have had to severely limit, and it has not been because of overhunting; it has been because of the environment; it has been because of water; it has been because of pollutants. And it gave us a whole new course—and, by the way, it gave us a whole new group of people to fight for clean water and fight to clean up the harbors and the bays and the rivers, and those are organizations such as Ducks Unlimited and so on.

Senator MURKOWSKI. I have one last question, Senator.

Representing the Aleut people, do you have any opinion as to what the intention might be with regard to their subsistence requirements under the law that allows our Native people of Alaska subsistence rights in the event that there is not a treaty?

Mr. COOK. As you well know, that is controlled as a direct result of the protocol, but without a protocol, it has been estimated that subsistence hunting on the Pribilofs could go as high as 12,000–15,000 animals a year.

Now, I am quite sure you are going to have other people who will testify to that fact, but to have it controlled, to have the scientific availability, to have the research, to have the coordinated efforts of the respective protocol countries is far, far more advisable and far more advantageous to those who wish to protect the fur seal than to go back to subsistence hunting and argue the role of subsistence hunting. And I would suggest to you that the Federal Government then will be asked by the same groups to have all sorts of organizations, groups, Federal officials, and everybody else to do the entire count on subsistence hunting so that somehow or other there are no violations.

So, I think it is a do or die situation and the best situation is to live with the Convention and live with the research and live with the protocol between the respective countries, because they will get far better control out of that than they will any other way.

Senator MURKOWSKI. Let me be clear. Your contention is that without a treaty, the seals very likely would be or could be, under the law, subjected to the rigors of subsistence for whatever amount was determined. And if you indicate 12,000–15,000, when I think the recommendation for the treaty this year is somewhere in the area of 20,000-22,000, a significant number would be taken theoretically under the law of subsistence, and then the seal would be exposed, the remaining seals, to pelagic sealing on the high seas, which would open up all the seals, the pups, the females, breeding bulls.

Mr. Cook. You would have the worst of both worlds, Mr. Chairman. You would have subsistence hunting in a magnitude that you have never seen before, and you would also have pelagic sealing.

Senator Murkowski. Thank you, Senator.

Senator Stevens.

Senator Stevens. What about Senator Dodd?

Senator Dodd. I thought you were going to have Ted as a witness. And I want to welcome the witnesses here today.

Let me ask one question, quickly. I am curious as to what has happened. We appropriated some $20 million, I believe, several years ago for the economic development on the Pribilof Islands. There has been a setting aside of lands for protection of certain species of birds and so forth as growing tourist attractions to try and offset the economic dependency on seal hunting.

What has happened with that in the last couple of years? Maybe you already commented on it. And if I missed it, I am sorry.

Senator Murkowski. We have not directly addressed that.

Mr. Cook. Senator Dodd, there will be witnesses that will cover that entire matter for you far, far more than I. Let me say that we are working on many projects to develop in the Pribilofs. It is pretty barren country.

Senator Murkowski. Tourists come up to watch the seal harvest.

Mr. Cook. Tourism is of short duration, if you have ever been out on the Pribilofs. I think Senator Stevens will cover that pretty well.

The point I tried to make, Senator, is I make no excuses for the fact that that $20 million trust fund is in existence. I hope that with it, and with the help of the island corporations, fisheries can be established that people can be convinced and encouraged to come in there and build facilities, because everything has got to be built from scratch. There is no basic facility there to begin with.

So the cost to the islands as a result of the interest from that fund is going to be expended pretty fast. The only point that I would say to you is in relation to this Convention, Senator, when the Senate decided to set up that trust fund—and Senator Levin said that the Aleuts had breached their part of the agreement.

The Aleuts have not breached that agreement at all. The protocol is a protocol between the U.S. Government, the country of Canada, the U.S.S.R., and Japan. Those countries were not a part of that debate on the floor of the U.S. Senate. Those countries can hunt the seal at sea at their will if this treaty is not in existence.

As a matter of fact, ever since 1911, those respective countries have agreed with the United States that it would be controlled and that pelagic sealing at sea would not occur. When that treaty goes down, regardless of the trust fund, regardless of the economic welfare of the people on that island, pelagic sealing will take place by those respective countries on the open seas. They will not be male seals that reach a particular age; they will be all seals, whether they be females, whether they be pups, regardless of what they are, and it will be open season.

And I think it is a degree of naivete to depend on the 200-mile limit and to depend on the fact that it is no longer commercially feasible to hunt, because I must say to you that I think we will find that it will be.

Senator DODD. Thank you. Thank you, Mr. Chairman.

Senator MURKOWSKI. Thank you very much, Senator Cook.

Senator Stevens.

I want to take this opportunity as the junior Senator from Alaska to welcome you to the witness stand. It provides me a rare opportunity to sit on the other end of the relationship, one that I value highly.

Senator STEVENS. I am glad to be with you, Mr. Chairman, and my good friend from Connecticut, Senator Dodd.

Senator DODD. Which end of the relationship are you sitting on? [Laughter.]

Senator MURKOWSKI. Please proceed, Senator Stevens.

STATEMENT OF HON. TED STEVENS, A U.S. SENATOR FROM ALASKA

Senator STEVENS. There has been a tremendous media focus on the need to terminate the Interim Convention on the Preservation of the North Pacific Fur Seal. However, little attention has been paid to the beneficial aspects of the Convention process.

The Convention is designed to preserve and protect a healthy fur seal herd. I want to submit the Alaska delegation position for the record. We have prepared an extensive position.

Senator MURKOWSKI It will be entered into the record as if read.

Senator STEVENS. And I would like to discuss here briefly the reasons why it is vital to the continuation of the herd that the Convention be extended.

This Convention has been successful in increasing the population of the fur seal from a dangerously low level of 300,000 animals in 1911 to well over 1.2 million today. Before we had this international agreement, there was tremendous tension between the nations of the North Pacific over the fur seals.

In 1892, the United States seized two British pelagic sealing vessels operating in the North Pacific. The United States eventually burned those vessels on the Pribilof Islands. It is one of the most interesting periods of our history when we reached out and seized foreign vessels operating in what were international waters in order to protect these fur seals.

This treaty has provided the nations of the North Pacific with a workable conservation and management framework. The harvest which takes place is carefully controlled. Only bachelor males which do not contribute to the reproductive cycle are harvested. The harvest has not caused a decline in the population, and there is no evidence to support a contrary conclusion.

For over 10 years, there has been a moratorium on harvesting on St. George Island, and I might say that I helped work out that moratorium, and it was done for the purpose of demonstrating the difference between a herd which had no harvest and one that was subject to the harvest. The two islands are separate and the herds are separate.

Even without a harvest, the seal population on St. George has declined at approximately the same rate as the herd on St. Paul. Without the Convention, there will be no international scientific forum for investigating the reasons for the population decline.

The entire ecosystem of the North Pacific is in a state of decline. Sea lion herds, bird populations, and fish stocks are all declining. Because of the Convention, more is known about the fur seal than any other species of the Bering Sea. This information is invaluable for the continued scientific investigation into what is happening to the whole region.

And this treaty must be maintained in order to determine the causes for the decline of both the fur seals and all the other species in the region.

Fur seals migrate outside the borders of the U.S. exclusive economic zone. Females and pups will be in the most danger if there is a return to pelagic sealing on the high seas resulting from the loss of the Convention.

A representative of the Japanese Government recently stated in public there would be strong pressure in the Japanese Diet to repeal domestic laws prohibiting pelagic sealing. In his opinion, there would be a resumption of sealing if the Convention is not ratified by the United States.

Japanese fishermen have consistently urged their government to allow them to harvest seals. Each year the Japanese delegation to the Fur Seal Commission has requested that the Commission recommend a return to high seas sealing on a commercial basis. They will return to pelagic sealing on the high seas without this treaty. And they will also have the right to target fur seals in their own economic zone without the treaty.

To the Japanese, the pressure that the fur seals exert on fish stocks, combined with the existence of a market for seal skins and bone products, are powerful reasons for the return to pelagic sealing

I might say, Mr. Chairman, that the letter that was addressed to you, I think—I hope that you put it in the record—is probably one of the most direct letters that I have ever seen from a representative of the Japanese Government in this regard. It is a June 12 letter, and I particularly would call your attention to the paragraph in which the Embassy of Japan stated:

> In this connection, the Government of Japan considers pelagic sealing to be a viable utilization of fur seal resources, provided that the Fur Seal Commission concludes, based upon the joint study by the four nations, that pelagic sealing in conjunction with land sealing can be permitted in certain circumstances without adversely affecting achievement of the objectives of the Convention. However, since the Commission has not reached a conclusion, the Japanese Government maintains in accordance with its domestic law an interim prohibition on pelagic sealing by Japanese nationals, except for research as recommended by the Scientific Committee established under the Convention. This policy will be maintained as long as the Convention remains in effect.

What might happen without the Convention can only be speculated. Since there is currently no commercial fur sealing industry in Japan, it may be that the termination of the Convention will not automatically lead to the resumption of Japanese pelagic sealing.

However, despite the prohibition, we have continued to observe groups within Japan who are interested in resuming pelagic commercial sealing. These groups have been represented, as observers, at past annual meetings of the Fur Seal Commission.

I think that the record is clear that the other nations who have already signed and approved this treaty, this extension of this Convention, would resume pelagic sealing were it not for this Convention.

The existence of the Convention also provides the United States with the ability to ensure that there will be no fur sealing, pelagic fur sealing, by nonmember nations. Under Federal law, the Pelly amendment, the United States can prohibit the importation of fish products from nations which violate international conservation regimes.

The United States can, and has, deterred nations like Korea and Taiwan, which annually import large quantities of seafood products into the United States, from taking fur seals, although they are not signatories to the Convention. If the Convention ceases to exist, the United States would not be able to invoke the Pelly amendment, and the return to pelagic sealing by those who are not parties to the Convention would be assured.

And even without a return to pelagic sealing, there will continue to be a fur seal harvest on the islands. As Senator Cook has mentioned, under domestic law, Alaskan Natives have a right to conduct a subsistence harvest. However, it is the Convention which provides the restrictions under which animals can be harvested. Islanders may take females and pups legally. The preliminary estimates are that the subsistence harvest would run from 10,000 to 12,000 to 15,000 animals.

Termination of the Convention and its carfully controlled harvest will bring an end to a responsible, successful wildlife management regime. It would spell disaster for the fur seal which has been free from pelagic sealing for over 70 years.

I feel the Convention must be reextended and that all management decisions must be left with the Fur Seal Convention.

Mr. Chairman, I would hope that the committee would note the transmittal from the President. It specifically points out that this Convention, which was signed in 1957, replaced an earlier Convention dating back to 1911. The current Convention has been extended in 1963, 1969, 1976, and 1980. And this request before you would extend it for another 4 years.

But, to me, it is extremely important to look at the statment that was signed by the Governments of Canada, Japan, the Soviet Union, and the United States in connection with this extension that is before you, because at the time they signed the extension of the Convention—and again I am quoting from page 10 of the report that is in front of you—the governments noted that concern had been expressed on the decline of the fur seal populations, current economic conditions, and other problems of the fur seal conservation and utilization.

As a result of the concern expressed, the governments have expressed their shared view:

(1) that, in accordance with article II of the Convention, additional research should be conducted concerning current aspects of fur

seal conservation, including the problem of entanglement of fur seals in lost or discarded fishing nets, gear, and other debris;

(2) that, in accordance with article X of the Convention and in conformity with their national laws, the governments will take appropriate measures to prohibit the disposal at sea in the Convention areas of synthetic materials such as fishing nets or parts thereof, fishing gear, ropes, packing bands, and other debris which might lead to the entanglement of fur seals, in accordance with the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, of December 29, 1972;

(3) that, in accordance with article X of the Convention, it may be necessary during the interim period of the Convention, to take into account unforeseen circumstances as noted by the States of fur seal origin in considering measures to be taken for conservation and management of fur seal populations.

The point I want to make in reading that to the committee is there are other ocean mammals that are suffering from the same kind of problems because of the debris that is in the North Pacific, nets that have been cut adrift, and the pollution that has been brought about by activities of man in the area; that without the protection brought about through this Convention, there will be no international cooperation in the North Pacific.

It is, in fact, this Convention that has brought the governments of the North Pacific together to protect the North Pacific. And, annually, this meeting has led to a dialog which has improved the condition of every species in the North Pacific, including the fish population, the ocean mammals, and the total ecosystem of the North Pacific.

For our country to abandon this protection, in my opinion, would be foolhardy. And I am ashamed, I am ashamed of some of our organizations who have become so provincial that they are more interested in their memberships, they are more interested in their solicitation of new memberships than they are in being part of the world.

And I applaud the organizations that have come forward now to support the North Pacific, support the fur seals, and to support the continued protection of these united governments in making this place, this North Pacific area, a place that will continue to be reproductive.

Mr. Chairman, you know so well, and so many of us know so well, the North Pacific has the last enormous amount of fish that can be harvested for the benefit of mankind. If this Convention is thrown away, I fear that much of the protection that comes from this international cooperation will be lost for our fish population, too.

In my judgment, it is unfortunate. And I want to address one question you asked, and that is the question of subsidy. These people are carrying out an international treaty. All of a sudden after 70 years, in the interest of economy, some Members of the Senate seem to believe that the fur seal harvest should be stopped because, my God, it involves a subsidy. In particular—and I am sorry he is not here—the Senator from Michigan. I voted for the support for Chrysler. Are these people due no less support?

I cannot understand this sudden argument about economics in connection with the protection of the fur seal herd after 70 years of domination of the peoples of the Pribilof Islands. They were not even allowed to own their own homes during that period.

And, Senator, when we brought about the transition so they could manage their own affairs, the Government established a $20 million trust fund to help them in that transition. It had nothing to do, really, with any concept of terminating the fur seal harvest. It was totally unrelated. It was related to the concept that they were going to take over the management of their own affairs; they were going to manage the harvest; and they were going to really be the agents of the United States in carrying out the agreement that we have made to protect the fur seal, which is as vital to them and perhaps, more so than any other American that I know.

Now, I can get a little bit warmed up on this subject, because it seems to me that it is time that we had a coming together of people who are interested in a true protection of the North Pacific. It is my judgment—and since I have been here, I have insisted that the people who represented the United States in carrying out this Convention be the best we could find, people dedicated to the concepts of protection that we need under this Convention.

And it is my judgment that that must be maintained. And if it is not maintained, I seriously fear for the future of the total ecosystem, not just the fur seal. Although they will be the first to suffer, the whole North Pacific will suffer if this treaty is not extended.

[Senator Stevens' prepared statement follows:]

PREPARED STATEMENT OF SENATOR STEVENS

ALASKA DELEGATION POSITION
ON
THE FUR SEAL CONVENTION

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2. Scientific considerations Pg. 2-4
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THE NEED TO MAINTAIN THE CURRENT FUR SEAL TREATY

The North Pacific fur seal has been the target of pelagic sealing since the late 1700s. Its population has been subject to extreme fluctuations as a result of pelagic sealing. The advent of international treaties for the preservation of the fur seal was the critical factor in establishing and stabilizing a healthy population. The Interim Convention for the Preservation and Protection of the Fur Seals is the present conservation mechanism. The Protocol that would reextend the Treaty for four more years has been submitted to the Senate Foreign Relations Committee. There will be hearings in the middle of May, at which time the merits of the Treaty framework will become apparent.

The Russians were the first non-natives to hunt the fur seal in the North Pacific. They enslaved local Aleuts to carry on a fur seal harvest in the Pribilofs. Large scale harvests of both male and female seals seriously impact the population. However, self-imposed management efforts by the Russians proved effective and population levels improved despite large harvest levels.

The U.S. purchased Alaska in 1867 and took control of the Pribilofs. At the time of the purchase, the population ranged well over 2 million animals. It is estimated that 226,000 to 329,000 seals were taken in 1868 and 1869. Due to the concern about the possible impact of an uncontrolled harvest, the U.S. instituted a harvest control program limiting the take to 100,000 males of one year or older. This management effort proved effective because the pelagic activity was relatively minor. However, the advance of modern pelagic hunting technology led to huge increases in pelagic sealing in the last two decades of the 19th century. By the turn of the century, the population was at an all-time low of 200,000-300,000 animals.

In early 1892 the United States seized two British pelagic sealing vessels and the two countries agreed to arbitrate the dispute before the World Court. In lated 1892 the World Court ruled against the United States. However, the United States renounced the decision and hauled the ships to the shores of the Pribilofs where they were burned.

The World Court also recommended an arrangement between the two parties which was agreed to. This limited international treaty proved fruitless in 1893. The treaty provided for a sixty mile protective belt around the Pribilof Islands and an annual closure from May 1 to July 31. The parties to the treaty were also required to provide records on pelagic sealers. Due to the fact that only the United Kingdom and the U.S. were parties to the arrangement, continued pelagic harvesting by Japan and Russia undermined the U.S.-Great Britain conservation effort.

It became obvious that a comprehensive international conservation effort was necessary if the fur seal population was to be saved. In 1911, the first Fur Seal Convention was signed by the U.S., Russia, Great Britain, and Japan. The terms of the treaty banned pelagic sealing, and established a mechanism for regulating the fur seal harvest on the various islands containing rookeries. By 1935 the population had again increased to over 2 million animals.

The Japanese began to balk over the moratorium on pelagic sealing in 1926 on grounds that the inability to take seals adversely affected the ability of its fishermen to carry on high seas fishing operations. In 1941, the Japanese abrogated the treaty and returned to pelagic sealing. The pelagic sealing continued until 1957 when the Interim Convention on Conservation of North Pacific Fur Seals was signed by the Governments of Canada, Japan, the U.S.S.R., and the U.S.

The Convention is essential to the preservation of the fur seal herds. Failure to ratify the Convention would endanger the long run viability of the herds. The North Pacific fur seal population reach drastically low levels in the early 1900's. Since the Convention has been in place the fur seal has increased from 300,000 animals in 1911 to well over 1.2 million.

The Fur Seal Commission restricts the harvest to sub-adult bachelor males which do not contribute to the reproduction of the species. Fur seals are polygamous, with each bull breeding with 20 to 60 females. The bachelor bulls are those who are too weak or young to control a "harem".

Too many bachelor males endanger pups as the stampede the breeding grounds fighting for territory. The Environmental Impact Statement issued by the Department of Commerce state that "An end to the male harvest on St. Paul Island could result in an increase in pup mortality on land at a time when the Pribilof Island population is experiencing a significant decline in productivity. Ending the harvest may impede the recovery of the northern fur seal population. International management and research programs for this highly migratory species would end."

The fur seal harvest has not caused a decline in the population, and there is no evidence to support a contrary conclusion. The evidence in fact points to the contrary. Prior to 1973, there were two harvests on the Pribilof

Islands--one on St. George and one on St. Paul. In order to study the impact of the seal harvest on the herd, the Fur Seal Commission terminated the harvest on St. George in 1973. Further, the fur seal population experienced a major increase in the numbers while a harvest was being conducted between the 1900-1950.

It is the consensus of the scientists participating in the Standing Scientific Committee of the Fur Seal Commission that the harvest is not contributing to the decline and that no adjustments in the harvest levels are required.

Without the Convention, there will be no international scientific forum for investigating the reasons for the population decline. According to the Environmental Impact Statement the Pribilof Island population is considered to be declining due to the effects of the female harvest of 1956-68 and to increased mortality at sea, probably from entanglement in discarded fishing gear.

The 1956-68 female harvest and net entanglement have principally caused the fur seal decline. Net entanglement is believed to be the major cause of the current 6% decline in the fur seal population. Most entangled seals cannot rid themselves of debris and ultimately die from strangulation, starvation or infection. Net entanglement is recognized as a major problem by all scientists and Parties to the Convention, and is so stated in the Statement accompanying the Protocol. A special workshop on entanglement was conducted last November in Hawaii. During the upcoming Senate Foreign Relations Committee hearings on the Convention, Commission scientists will provide a thorough explanation of the entanglement problem.

There are other theories about the fur seal population decline. An important question that needs to be asked concerns that decline in the entire Bering Sea ecosystem. Migratory bird (which are not subject to a commercial harvest) reproduction is approaching zero; the sea lion, and king crab populations have also declined.

A major food resource for the fur seal is pollock. Second only to Japan, the fur seal consumes the greatest amount of pollock annually. The pollock population is currently declining. More research needs to be done on the interaction between marine mammals and food sources in the Bering Sea ecosystem.

Because of the Fur Seal Convention, more is known about the fur seal than about any other species in the Bering Sea. This information is invaluable for the continued scientific investigation into what is happening in the Bering Sea. The Convention must be maintained in order to determine causes for the decline of both the fur seals and other species in the region.

The fur seal is not a threatened species, yet without the Convention, we should be prepared to add it to the endangered species list. On January 5, 1984 the Humane Society of the United States filed a petition with the Department of Commerce requesting to list the seal as a threatened species. On March 6, 1985 the National Marine Fisheries Service published its findings in the Federal Register. It determined that the fur seal was neither "threatened" nor "endangered".

Without the Convention, the seals would only be protected within our 200 mile limit. Since all seals migrate outside of this zone and onto the high seas, they are highly susceptible to pelagic sealing because of their economic value and because of their threat to the fishing industry. Without international protection, these seals can be taken regardless of their sex and age on the high seas. The problem of pelagic sealing is serious enough that it was original purpose of the Convention, and has been emphasized during Fur Seal Commission meetings and ratification proceedings for the last sixty years. We have every reason to expect a return to pelagic sealing due to competition of fur seals for pollock stocks, and the continued viability of a fur seal market.

Opponents to the Convention are justifying its lapse on the grounds that the harvest is costing the federal government an enormous sum of money. This is a serious mispresentation of the actual situation. Until 1983, the U.S. Government made a profit on the fur seal harvest.

Before 1983 Congress appropriated $5 million annually to maintain and operate Commerce Department facilities on the Pribilof Islands. There was a growing realization that it was inappropriate for the Islanders to be wards of the federal government. Congress passed the Fur Seal Act Amendments of 1983. The change in the law was designed to promote a self-sufficient economy on the Island. A $20 million trust fund was established for this purpose. These monies are building infrastructure for a fledgling fishing industry and support services for maritime interests. No trust fund money is used for the harvest. The State of Alaska has also assumed responsibility for developing harbor facilities, and has committed over $12 million to harbor facilities. These monies are also not be used to fund the harvest.

The Fur Seal Act Amendments does give the Islanders preferential treatment to conduct the harvest. The Islanders were given the 1982 and 1983 inventory of skins as payment for conducting the 1984 harvest. Congress did appropriate $250,000 for harvest costs last year after it was discovered that the skins would be insufficient compensation.

The Islanders now maintain that they can conduct the fur seal harvest without a Congressional appropriation due to new harvesting techniques. There will be no federal appropriations to conduct the harvest this year. Contrary to the assertions of the Convention opponents, the harvest is not being subsidized by the federal government.

An extension of the Convention must be ratified by the Parties this year if the international conservation effort is to be continued. Opponents are trying to either defeat this ratification, or change the terms of the Protocol to allow the states of origin to unilaterally dictate management strategy. If the collective authority to make management decisions is to be dictated by one party, the other parties to the Convention will find it unacceptable. Past history shows that unilateral conservation efforts have failed.

The U.S. will lose its ability to control the harvesting of seals throughout their entire migratory range if Convention lapses. The Japanese will return to pelagic sealing on the high seas. They will also have the ability to target on fur seals in their own exclusive economic zone. Japanese fishermen have consistently urged their government to allow them to harvest seals. Every year the Japanese Delegation to the Fur Seal Commission has requested that the Commission recommend a return to high seas sealing on a commercial basis. The Commission has thus far refused this request.

If the fur seal multilateral agreement is abandoned, the Japanese will use fur seals to bargain for concessions in other areas. The Japanese have been insisting that the U.S. grant its fishermen stable fish allocations in the North Pacific. As the U.S. domestic fishing industry has developed, these allocations have been reduced. If the Japanese are allowed to return to pelagic sealing, this will be a powerful bargaining chip in pressuring the U.S. for greater fish allocations. In addition, Japan will use fur seals to bargain in the International Whaling Commission. Japan has notoriously attempted to frustrate the IWC's efforts to eliminate commercial whaling--allowing Japan to be free from the Fur Seal Convention will bring pelagic sealing back to the North Pacific. It is difficult to understand how animal welfare organizations can trust Japan not to return to pelagic sealing in the face of growing conflict over commercial whaling.

The existence of the Convention also provides the U.S. the ability to control sealing by non-member nations. Under federal law (the Pelly Amendment), the U.S. can prohibit importation of fish products from nations which violate international conservation regimes. The U.S. can control nations like Korea and Taiwan which annually import large quantities of seafood products. If the Convention ceases to exist, the U.S. cannot invoke the Pelly Amendment and the danger of a return to pelagic sealing is exacerbated.

Even without a return to pelagic sealing, there will be a fur seal harvest on the Islands. Under domestic law, native Alaskans have a right to conduct a subsistence harvest. The Marine Mammal Protection Act (MMPA) permits subsistence in a "nonwasteful manner". This standard has a broad definition. As long as entire fur seal is utilized, harvesting can continue. Utilization includes both food needs and raw materials for native handicrafts (skins and bone products). The Islanders are still free to sell these handicrafts commercially. However, the MMPA places no restrictions on which animals can be harvested. The Islanders may take females and pups legally, further reducing the ability of wildlife managers to stem the decline of the herd.

Termination of the Convention and its carefully controlled harvest will bring an end to a responsible wildlife management regime. It will spell disaster for the fur seal, which has been free from pelagic sealing for over seventy years. The Convention must be re-extended, and all management decisions must be left within the Fur Seal Commission. A decision by Congress to unilaterally dictate management policy on a political rather than scientific basis will destroy the Convention structure.

99TH CONGRESS
1st Session

SENATE

TREATY DOC.
99-5

PROTOCOL AMENDING THE NORTH PACIFIC FUR SEALS CONVENTION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE PROTOCOL, SIGNED AT WASHINGTON ON OCTOBER 12, 1984, AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS BETWEEN THE UNITED STATES, CANADA, JAPAN, AND THE SOVIET UNION

MARCH 20, 1985.—Protocol was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE
51-118 O
WASHINGTON : 1985

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *March 20, 1985.*

To the Senate of the United States:

I am pleased to transmit herewith, for Senate advice and consent to ratification, the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals between the United States, Canada, Japan, and the Soviet Union, signed at Washington on October 12, 1984. I am also transmitting for the information of the Senate (1) a related statement of concerns, and (2) the report of the Department of State on the Protocol.

The Interim Convention was signed in 1957 and replaced an earlier convention concerning fur seals dating back to 1911. Under these conventions, the herds were protected and managed, and though there has been a decrease in recent years, the population has increased significantly from 300,000 seals at the turn of the century to approximately 1.2 million presently. The Interim Convention has been extended previously in 1963, 1969, 1976, and 1980. This Protocol provides for the extension of the Interim Convention for four years until 1988. Accompanying the Protocol for purposes of information is a statement of concerns signed by the four Governments.

I urge the Senate to consider this matter at an early date and give its advice and consent to ratification of the Protocol.

RONALD REAGAN.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, February 26, 1985.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to transmittal to the Senate for advice and consent to ratification, the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals between the United States, Canada, Japan and the Soviet Union, signed at Washington on October 12, 1984 (the Protocol). I also transmit for the information of the Senate a related statement of concerns signed by the Parties to the Convention.

The Interim Convention was signed in 1957 and replaced an earlier convention concerning North Pacific fur seals dating back to 1911. Under these two conventions, the herds have been protected and managed, and although there has been a decrease in recent years, the population has increased significantly from 300,000 at the turn of the century to approximately 1.2 million at the present time. The Interim Convention has been extended previously in 1963, 1969, 1976 and 1980. The 1976 Protocol amended the Interim Convention to provide greater protection for fur seals, while the 1980 Protocol extended the Interim Convention for four years and acknowledged the four signatory nations' recognition of the extensions of fisheries jurisdictions which had occurred since the entry into force of the 1976 Protocol.

This Protocol provides for the extension of the Interim Convention for four years until October 1988. Accompanying the Protocol is a statement of concerns signed by the four Governments. In the statement, the Governments take note of concerns over declines in the fur seal population, current economic conditions, and other problems of fur seal management and conservation. The statement further expresses the shared view of the Governments: (1) that additional research is needed on the problem of net entanglement, believed to be a major cause of fur seal mortality at sea; (2) that the Parties will take all appropriate measures to prohibit in Convention areas the disposal at sea of synthetic materials, in conformity with their national laws and in accordance with the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter; (3) that in the event of unforeseen circumstances, the Parties may take additional measures necessary for the conservation and management of the fur seals; and (4) that within two years after the entry into force of the 1984 Protocol, the Governments will review the operation of the Convention to determine if further modification is needed.

The Interim Convention provides for the management of fur seal stocks throughout their range. Without it, the United States could manage fur seals only within its exclusive economic zone, not outside the zone. The Interim Convention also bans pelagic sealing, which United States scientists consider a wasteful method of harvesting seals. In addition, the Interim Convention allows the continuation of traditional Aleut harvesting of seals, providing the Aleuts with an economic livelihood and subsistence. Finally, the Interim Convention over the years has been a successful forum for international research on this species.

An environmental impact statement has been prepared which analyses the potential effects of extending the Interim Convention as well as alternatives. It concludes that the extension of the Convention for four years with the related statement of concerns is the best course of action. This will provide continued protection to North Pacific fur seals throughout their range, supply an impetus for continued research on fur seals and fur seal entanglement, and allow flexibility concerning possible adjustments of harvest levels in the face of unforeseen circumstances.

The Department of Commerce, which participated with the Department of State in the negotiation of this Protocol, concurs in the view that early ratification of the Protocol is most desirable. I recommend that the Protocol be transmitted to the Senate as soon as possible for its advice and consent to ratification. I also recommend that the related statement be transmitted to the Senate for its information.

Respectfully submitted.

GEORGE P. SCHULTZ.

1984 PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America, Parties to the Interim Convention on Conservation of North Pacific Fur Seals, signed at Washington on February 9, 1957, as amended and applied, hereinafter referred to as the Convention,

Desiring to amend the Convention,

Have agreed as follows:

ARTICLE I

The Convention shall be applied as amended by this Protocol as from the date of its entry into force.

ARTICLE II

In Article V, paragraph 2(e) of the Convention, "at the end of the twenty-fifth year after entry into force of the Convention" is replaced by "by October 13, 1986".

ARTICLE III

In Article XI of the Convention, "in the twenty-sixth year after entry into force of the Convention" is replaced by "within the one year period prior to October 14, 1987".

ARTICLE IV

In Article XIII of the Convention, paragraph 4 is replaced by the following: "4. The Convention shall continue in force until October 13, 1987 and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until October 13, 1988, whichever may be the earlier; provided, however, that the Convention shall terminate one year from the day on which a Party gives written notice to the other Parties of an intention of terminating the Convention."

ARTICLE V

1. This Protocol shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United States of America as soon as possible.

2. A signatory Government which intends to ratify or accept this Protocol may notify the Government of the United States of America that it will apply this Protocol provisionally in accordance with its laws and regulations pending the fulfillment of domestic constitutional requirements for ratification or acceptance.

3. The Government of the United States of America shall notify the other signatory Governments of ratifications or acceptance deposited and of notifications of provisional application made.

4. This Protocol shall enter into force provisionally on the date on which instruments of ratification or acceptance have been deposited with or the notifications of provisional application as referred to in paragraph 2 above have been made to the Government of the United States of America by all the signatory Governments. It shall continue in force provisionally until the date on which it enters into force definitively in accordance with the provisions of paragraph 5.

5. This Protocol shall enter into force definitively on the date on which instruments of ratification or acceptance have been deposited with the Government of the United States of America by all the signatory Governments.

6. The original of this Protocol shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to this Protocol.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Washington this 12th day of October, 1984, in the English, French, Japanese, and Russian languages, each text being equally authentic.

FOR THE GOVERNMENT OF CANADA:
POUR LE GOUVERNEMENT DU CANADA:
カナダ政府のために
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА КАНАДЫ:

FOR THE GOVERNMENT OF JAPAN:
POUR LE GOUVERNEMENT DU JAPON:
日本国政府のために
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА ЯПОНИИ:

M. Kunihiro

FOR THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS:
POUR LE GOUVERNEMENT DE L'UNION DES REPUBLIQUES SOCIALISTES SOVIETIQUES:
ソヴィエト社会主義共和国連邦政府のために
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК:

A. Dobrynin

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
POUR LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE:
アメリカ合衆国政府のために
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ:

Edward E Wolfe

STATEMENT BY THE GOVERNMENTS OF CANADA, JAPAN, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE UNITED STATES OF AMERICA ON THE SIGNING OF THE 1984 PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America (hereinafter referred to as the "Governments"), Parties to the Interim Convention on Conservation of North Pacific Fur Seals, as amended and applied (hereinafter referred to as the "Convention"), noted that, through their efforts, the North Pacific Fur Seal Commission (hereinafter referred to as the "Commission") has made an important contribution during the past quarter century to the conservation and management of North Pacific fur seal resources, and to the maintenance of a healthy ecosystem that includes such resources.

Therefore, the Governments expressed their intention to ratify or accept the 1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals in order to enable the Commission to continue its effective role in achieving the objectives of the Convention.

At the same time, the Governments noted that concern had been expressed on the decline or the fur seal populations, current economic conditions, and other problems of fur seal conservation and utilization.

As a result of the concern expressed, the Governments have expressed their shared view:

(1) that, in accordance with Article II of the Convention, additional research should be conducted concerning current aspects of fur seal conservation including the problem of entanglement of fur seals in lost or discarded fishing nets, gear, and other debris;

(2) that, in accordance with Article X of the Convention, and in conformity with their national laws, the Governments will take appropriate measures to prohibit the disposal at sea in the Convention areas of synthetic materials, such as fishing nets, or parts thereof, fishing gear, ropes, packing bands, and other debris which might lead to the entanglement of fur seals, in accordance with the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, of December 29, 1972;

(3) that, in accordance with Article X of the Convention, it may be necessary during the interim period of the Convention to take into account unforeseen circumstances as noted by the States of fur seal origin in considering measures to be taken for conservation and management of the fur seal populations; and

(4) that, taking into account Article XIII, paragraphs 4 and 5, as well as Article V, paragraph 2(e), within two years after the entry into force of the 1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals and considering current factors, the Governments will review the operation of the Convention to determine what further agreements would be desirable in order to achieve the objectives of the Convention.

DONE at Washington this 12th day of October, 1984 in the English, French, Japanese, and Russian languages, each text being equally authentic.

FOR THE GOVERNMENT OF CANADA:
POUR LE GOUVERNEMENT DU CANADA:
カナダ政府のために
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА КАНАДЫ:

FOR THE GOVERNMENT OF JAPAN:
POUR LE GOUVERNEMENT DU JAPON:
日本国政府のために
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА ЯПОНИИ:

FOR THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS:
POUR LE GOUVERNEMENT DE L'UNION DES REPUBLIQUES SOCIALISTES SOVIETIQUES:
ソヴィエト社会主義共和国連邦政府のために
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА СОЮЗА СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:
POUR LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE:
アメリカ合衆国政府のために
ОТ ИМЕНИ ПРАВИТЕЛЬСТВА СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ:

Edward E Wolfe

Senator MURKOWSKI. Thank you, Senator Stevens.

Senator Dodd.

Senator DODD. I have no questions.

Ted, it is rare indeed to see you get warmed up. [Laughter.]

Senator STEVENS. It is good for the adrenalin in the morning. I want to apologize for being late. I had an appointment to take my daughter to summer school, so I appreciate your courtesy.

Senator MURKOWSKI. Thank you, Senator Stevens. I know of your past association with this treaty, and your firm conviction that the treaty is indeed in the best interest of the resource, and I assume that you could almost draw the conclusion that you would predict that the fur seal might be on the endangered species list within a decade if we do not have a treaty.

Senator STEVENS. Mr. Chairman, if this Convention is not extended, it will not only be the fur seal that goes on the endangered species list, but I predict that species after species of mammals will go on the endangered species list.

Those phantom nets that are being cut loose by the intruders into our 200 mile zone, when they are almost apprehended by our Coast Guard, they are nets that are miles long. They become silent killers of fish, mammals, of everything.

It is through the work of the Convention that we are now establishing international cooperation to take firm action against people who do cut loose nets, who discharge debris into these waters. And unless we can find a mechanism for the protection of those ocean mammals, including the fur seals, there will be a great number of them, I think, that go onto the endangered species list.

As a matter of fact, I believe that it is the debris and the nets and the increased pressure coming about before the pollution that are endangering the fur seals now and bringing about their decline.

Senator MURKOWSKI. Do you have any estimate on the number of fur seals that might have been entrapped in those nets that you refer to, those monofilament nets that are drifting around the North Pacific?

Senator STEVENS. No. At one time, I tried to get that. We did have one of those nets brought in with fur seals in it, by the way, and other mammals and a considerable number of fish that had been apprehended, had been picked up. It was a net that had been cut loose. And they are monofilament nets. They are not biodegradable, and they will continue to fish forever unless they are pulled in.

There again, through the Convention, we have now brought about a change in the manufacturing of nets, and they are now—at least the signatories to the Convention are introducing into all nets degradable material so that the nets will break down after a while and will no longer continue to be marauding fishermen, killers of the sea.

Senator MURKOWSKI. That is a significant point, then, from the standpoint of the resource, the idea of the treaty encompassing such issues as nets that will break down over a period of time.

I assume it is your contention that without a treaty, we will not have the ability to negotiate issues such as nets that are not going to fish forever if they are broken loose.

Senator **Stevens**. That is correct. I would also remind everyone here that 10 years ago when we established the moratorium on St. George, we did so because of reports that there were more fur seals floating ashore who had died of malnutrition than had been harvested on St. George, and we were trying to find out the causes of that.

We firmly believe that the pressure from the increasing foreign fishing fleets within the zone where the fur seals were feeding during their immature years had brought about this starvation of some of those fur seals. As a net result, because of the information that we gathered during that period, I think we now have regulations within the 200-mile limit which are reducing the incidental catch by foreign fishermen of the species which they are not supposed to be harvesting. And in particular, the pollock is better protected and so are many of the immature fish.

But I thank you, Mr. Chairman. Incidentally, I invite any of the representatives of the organizations which oppose this Convention to come and visit with us. They have been very noticeably absent in their willingness to have any kind of dialog in this Convention and instead are engaging in a barrage of direct mail for new memberships and using the fur seal as a touchstone, a springboard for new memberships.

Senator **Murkowski**. I would certainly share your invitation to those groups because they have been noticeably absent from my office as well.

I want to thank you for your testimony. The record will be open for approximately a 2-week period, and we would be happy to submit your question concerning the subsidy of Chrysler to the previous Senator who testified.

The floor has requested that all Senators come at this time for the Gandhi address. This hearing will be recessed until 1 o'clock. I thank you for your attendance.

[Whereupon, at 10:45 a.m. the committee recessed, to reconvene at 1 p.m., this same day.]

AFTERNOON SESSION

The committee met at 1:05 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Frank H. Murkowski presiding.

Present: Senator Murkowski.

Senator **Murkowski**. I want to call the hearing back to order. I want to welcome the administration representatives today. This hearing, of course, covers ratification of the Convention on conservation of the North Pacific fur seals.

I want to introduce the panel: Hon. Edward J. Derwinski, counselor, Department of State. I might add your notable contribution to the Pacific salmon treaty, on which you played a very prominent and major role, and I think if my memory serves me correctly, we have been working a long time to obtain that treaty.

Just how long is it, Mr. Derwinski?

Mr. **Derwinski**. About 14 or 15 years.

Senator **Murkowski**. You came along out of the blue and managed, along with some good help, to bring it to reality. It certainly was a major and most significant contribution to the renewal of the salmon resources on the Pacific coast, not only of the United States and Alaska, but Canada as well. And I would like to commend you.

At this time I want to recognize Mr. Ray Arnaudo, Atlantic Fisheries officer, Department of State. Is that pronunciation correct?

Mr. ARNAUDO. That is correct.

Senator MURKOWSKI. We also have Mr. Carmen Blondin, U.S. Commissioner, North Pacific Fur Seal Commission, Department of Commerce. It is nice to see you.

We also have Dr. Charles Fowler, National Marine Fisheries Service. We welcome you to the committee.

And Mr. Timothy Keeney, Deputy General Counsel, National Oceans and Atmospheric Administration.

We look forward to your testimony. You may begin in any order that you so desire.

STATEMENT OF HON. EDWARD J. DERWINSKI, COUNSELOR, DEPARTMENT OF STATE; ACCOMPANIED BY RAYMOND V. ARNAUDO, ATLANTIC FISHERIES OFFICER, DEPARTMENT OF STATE; AND DAVID COLSON, ASSISTANT LEGAL ADVISER, DEPARTMENT OF STATE

Mr. DERWINSKI. Mr. Chairman, I am also accompanied by Mr. David Colson of the legal office of the Department of State. And may I add, since you gave me the small opening, that Mr. Colson is in large part responsible for the real negotiations in the Pacific Coast Salmon Treaty.

Senator MURKOWSKI. Thank you. We welcome you, Mr. Colson.

Mr. DERWINSKI. If I may, Mr. Chairman, I would like to insert my complete statement in the record.

Senator MURKOWSKI. It will be entered into the record as if read.

Mr. DERWINSKI. I would also like to insert along with a document prepared by the Department of State relative to the convention which covers the position of the Department of State and the administration in support of this convention.

Senator MURKOWSKI. It will be entered into the record as if read.

[The material referred to follows:]

ISSUES REGARDING THE INTERIM CONVENTION ON NORTH PACIFIC FUR SEALS

The President's letter of transmittal dated March 2 and the attached report to it describe the reasons for the Administration's support for the continuance of the Convention, but several points should be emphasized.

First, the Interim Convention is an international management and conservation agreement. It is the only vehicle for international research, management, and conservation of the North Pacific Fur Seal stocks. Without it there would not be the four party cooperation on solving the problems of this population, especially investigating its recent decline.

Second, if the Convention lapses, purely domestic regulation will not completely protect the seal population. As noted in the Final Environmental Impact Statement on the North Pacific Fur Seal Interim Convention just published,

> "...all northern fur seals must spend some portion of their lives outside the jurisdictions of the United States and Canada. Pregnant females take a direct route from the West Coast to the Pribilofs each Spring. This component of the population is the most sensitive to harvesting and at the greatest risk from any possible resumption of pelagic sealing" (FEIS on page 18).

Other northern fur seals, of course, return to the rookeries into the territory of the U.S.S.R. and likewise are beyond regulatory jurisdiction of the United States. The situation therefore requires continued international regulation rather than a return to conditions which inevitably would lead to opportunistic pelagic killing of seals even if full-scale commercial pelagic sealing were not immediately resumed.

Third, many major environmental groups support the Protocol, including the Audubon Society, the World Wildlife Fund (U.S.) and the National Wildlife Federation. The President's National Advisory Council on Oceans and Atmosphere has also endorsed the extension of the Interim Convention. There is opposition from some groups that do not favor harvesting or killing of seals. However, we believe this position should be tempered by the other considerations mentioned here.

Fourth, nothing in the Convention precludes the cessation of the harvest if scientific evidence indicates that the decline of the fur seal population is attributable to the harvest. However, at the April Fur Seal Commission meeting in Tokyo, the Commission's Scientific Committee concluded that there were no biological grounds for changing the harvest levels of surplus male fur seals. While the Scientific Committee could not ascribe the continuing decline of the population (approximately 6 percent annually) to any one factor, it believes the key factors are the 1956-68 harvests of female fur seals and a recent poor survival rate of young fur seals which may be related to entanglement in discarded netting or other debris, and other factors. Fur seal scientists from all party governments agree that the harvest has no effect on the current decline of the fur seal herd. Again, the Protocol's requirements of jointly conducted research offer the best hope of identifying the cause of the decline and proper remedial measures, which of necessity must be international in scope.

Fifth, there will be no U.S. government funds expended for the seal harvest in 1985. It is to be conducted by the Aleuts on a purely economic basis by a private, profit-making Alaskan native corporation, Tanadgusix, at its own financial risk.

Sixth, termination of the Convention would not necessarily stop the harvest of seals. The Aleut community would be allowed to harvest seals for subsistence purposes and they estimate they would take between 10-15,000 seals annually. Other nations may well take substantial numbers of fur seals in their waters or on the high seas if the Convention lapses, as pointed out above.

Finally, in 1983, Congress turned over the management of the harvest to the Aleuts. To eliminate the possibility of a commercial harvest at this time, while the Aleuts are in the process of developing alternative means of employment, will place a severe burden on the Pribilof Island community. The Federal Government has a long history of responsibility for the Pribilof Islanders. To increase the difficulties of the transition period they are now in by arbitrarily terminating the fur seal harvest would be neither just nor reasonable.

Mr. **Derwinski**. Mr. Chairman, as you know, and as Senator Stevens very effectively pointed out this morning, this is a longstanding protocol. What we are faced with here, as we see it, is the necessity and the logic of supporting the extension of the North Pacific Fur Seal Convention. The report which I have asked be inserted in the record contains the reasons the State Department has presented for the support that we hope will be forthcoming from the Senate.

If I may also quote from that statement, in which Secretary Shultz said:

> The Convention has been one of the oldest examples of successful international cooperation in the management and conservation of the species, whose existence would have been imperiled in its absence. Unilateral abandonment of this effort would seriously weaken our leading role and responsible management efforts elsewhere.

The specifics of the convention and the North Pacific Fur Seal Commission which is established by the Convention will be covered in detail. But I would like to stress the background of the negotiations which led to this protocol. Approximately 2 years ago, the Department of State commenced its discussions with the other three parties regarding the future of the Convention, which was due to expire in October 1984.

We sought modifications in the treaty to address some of the issues of concern to us facing the Commission. There has been a decline in the fur seal population over the past few years. We have been urging greater efforts by member countries to determine the cause. As a result, we sought:

First, greater research efforts into the cause of the decline;

Second, improved measures against net and fishing gear discard, thought to be a major cause of fur seal mortality; and

Third, greater flexibility by harvesting nations to adjust harvest levels.

Unfortunately, the other parties opposed any changes to the Convention, claiming it worked well to date and also that the Convention already allowed the changes which we sought. It was agreed that a statement would be attached to the protocol summarizing U.S. concerns and also that, because of these concerns, the parties would agree to consider modifications to the Convention within 2 years after the protocol entered into force.

Mr. Chairman, we believe the protocol serves an important national interest by assuring continued international management and conservation of the fur seal resource. We urge favorable consideration of the protocol by this committee and early advice and consent to ratification by the Senate.

Now, may I emphasize, Mr. Chairman, that we feel very strongly that the protocol does serve the national interest and that it in fact is a very vital tool in the conservation of fur seal resources. This is a very positive development. It is a very positive, longstanding and effective international agreement. It is in that spirit that we urge your committee to approve it.

[Mr. Derwinski's prepared statement follows:]

STATEMENT BY

EDWARD DERWINSKI
COUNSELOR
DEPARTMENT OF STATE

BEFORE THE

SENATE FOREIGN RELATIONS COMMITTEE

JUNE 13, 1985

I am pleased to have this opportunity to review with you and members of the Committee our efforts to negotiate the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals, between the United States, Canada, Japan, and the Soviet Union, signed at Washington, on October 12, 1984.

The Administration fully supports the extension of the North Pacific Fur Seal Convention for the reasons detailed in the attached report of the Department of State on this issue. In a recent statement, Secretary Shultz said: "The Convention has been one of the oldest examples of successful international cooperation in the management and conservation of a species whose existence would have been imperiled in its absence. Unilateral abandonment of this effort would seriously weaken our leading role in responsible management efforts elsewhere."

The North Pacific Fur Seal Convention is a successful international conservation and management agreement which dates from 1911 and provides for cooperation among the four countries in managing an important North Pacific living resource. Without the Convention, we would lose the obvious vehicle available to us to continue research, management and conservation in this area or to address the problems confronting the fur seal population, especially determining the reasons for the recent decline in the herd. The termination of the Convention would result in many other disadvantages, which will be discussed later, but above all would severely restrict international cooperation on this issue.

The Treaty has the support of several major conservation organizations, including the Audubon Society, the National Wildlife Federation and the World Wildlife Fund (U.S.), as well as the President's National Advisory Committee on Oceans and Atmosphere and the State of Alaska. The Protocol has been ratified by all three of the other signatories and needs only U.S. ratification to enter into force.

The specifics on the Convention and the North Pacific Fur Seal Commission, established by the Convention, will be covered shortly by our Fur Seal Commissioner, Mr. Carmen Blondin, but I would first like to review the negotiations which led to this Protocol.

Approximately two years ago, the Department of State began its discussions with the other three Parties regarding the future of the Convention, which was due to expire in October 1984. We sought modifications in the Treaty to address some of the issues of concern to us facing the Commission. There has been a decline in the fur seal population over the past few years, and we have been urging greater efforts by member countries to determine the cause. As a result, we sought: 1) greater research efforts into the cause of the decline, 2) improved measures against net and fishing gear discard - thought to be a major cause of fur seal mortality, and 3) greater flexibility by harvesting nations to adjust harvest levels.

The other Parties opposed any changes to the Convention, claiming it had worked well to date, and also, that the Convention already allowed the changes which we sought. It was agreed that a statement would be attached to the Protocol summarizing U.S. concerns, and also, that because of these concerns, the parties would agree to consider modifications to the Convention within two years after the Protocol entered into force.

The statement takes note of the decline in the fur seal populations, current economic conditions, and other problems of fur seal management. The statement expresses the shared view of the Governments that the following problems need to be addressed: 1) additional research on net entanglement, believed to be a major cause of fur seal mortality at sea; 2) appropriate measures to prohibit the disposal at sea of synthetic materials in accordance with the London Dumping Convention; 3) additional measures necessary in the event of unforeseen circumstances, for the management and conservation of fur seals; and 4) review of the operation of the Convention within two years after entry into force of the 1984 Protocol, to determine if further modification is needed.

In short, we believe the Protocol serves an important national interest by assuring continued international management and conservation of the fur seal resource. We urge favorable consideration of the Protocol by this Committee and early advice and consent to ratification by the Senate.

I would now like to introduce Mr. Carmen Blondin, the U.S. Commissioner of the North Pacific Fur Seal Commission, and Deputy Assistant Administrator for Resource Management with the National Marine Fisheries Service. He has served in this position since 1975, and I would ask him to explain further the Administration's support for the Convention. After he has spoken, we will be happy to answer any questions you might have.

ISSUES REGARDING THE INTERIM CONVENTION
ON
NORTH PACIFIC FUR SEALS

The President's letter of transmittal dated March 2 and the attached report to it describe the reasons for the Administration's support for the continuance of the Convention, but several points should be emphasized.

First, the Interim Convention is an international management and conservation agreement. It is the only vehicle for international research, management, and conservation of the North Pacific Fur Seal stocks. Without it there would not be the four party cooperation on solving the problems of this population, especially investigating its recent decline.

Second, if the Convention lapses, purely domestic regulation will not completely protect the seal population. As noted in the Final Environmental Impact Statement on the North Pacific Fur Seal Interim Convention just published,

> "...all northern fur seals must spend some portion of their lives outside the jurisdictions of the United States and Canada. Pregnant females take a direct route from the West Coast to the Pribilofs each Spring. This component of the population is the most sensitive to harvesting and at the greatest risk from any possible resumption of pelagic sealing" (FEIS on page 18).

Other northern fur seals, of course, return to the rookeries into the territory of the U.S.S.R. and likewise are beyond regulatory jurisdiction of the United States. The situation therefore requires continued international regulation rather than a return to conditions which inevitably would lead to opportunistic pelagic killing of seals even if full-scale commercial pelagic sealing were not immediately resumed.

Third, many major environmental groups support the Protocol, including the Audubon Society, the World Wildlife Fund (U.S.) and the National Wildlife Federation. The President's National Advisory Council on Oceans and Atmosphere has also endorsed the extension of the Interim Convention. There is opposition from some groups that do not favor harvesting or killing of seals. However, we believe this position should be tempered by the other considerations mentioned here.

Fourth, nothing in the Convention precludes the cessation of the harvest if scientific evidence indicates that the decline of the fur seal population is attributable to the harvest. However, at the April Fur Seal Commission meeting in Tokyo, the Commission's Scientific Committee concluded that there were no biological grounds for changing the harvest levels of surplus male fur seals. While the Scientific Committee could not ascribe the continuing decline of the population (approximately 6 percent annually) to any one factor, it believes the key factors are the 1956-68 harvests of female fur seals and a recent poor survival rate of young fur seals which may be related to entanglement in discarded netting or other debris, and other factors. Fur seal scientists from all party governments agree that the harvest has no effect on the current decline of the fur seal herd. Again, the Protocol's requirements of jointly conducted research offer the best hope of identifying the cause of the decline and proper remedial measures, which of necessity must be international in scope.

Fifth, there will be no U.S. government funds expended for the seal harvest in 1985. It is to be conducted by the Aleuts on a purely economic basis by a private, profit-making Alaskan native corporation, Tanadgusix, at its own financial risk.

Sixth, termination of the Convention would not necessarily stop the harvest of seals. The Aleut community would be allowed to harvest seals for subsistence purposes and they estimate they would take between 10-15,000 seals annually. Other nations may well take substantial numbers of fur seals in their waters or on the high seas if the Convention lapses, as pointed out above.

Finally, in 1983, Congress turned over the management of the harvest to the Aleuts. To eliminate the possibility of a commercial harvest at this time, while the Aleuts are in the process of developing alternative means of employment, will place a severe burden on the Pribilof Island community. The Federal Government has a long history of responsibility for the Pribilof Islanders. To increase the difficulties of the transition period they are now in by arbitrarily terminating the fur seal harvest would be neither just nor reasonable.

Senator MURKOWSKI. Thank you, Mr. Derwinski.

Who will give us the next statement? Mr. Blondin.

STATEMENT OF CARMEN BLONDIN, U.S. COMMISSIONER, NORTH PACIFIC FUR SEAL COMMISSIONER, AND DEPUTY ASSISTANT ADMINISTRATOR FOR FISHERIES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE; ACCOMPANIED BY DR. CHARLES FOWLER, NATIONAL MARINE FISHERIES SERVICE AND TIMOTHY KEENEY, ESQ., DEPUTY GENERAL COUNSEL, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. BLONDIN. Thank you, Mr. Chairman.

As you know, I also serve as the Fur Seal Commissioner, in addition to serving as a Deputy Assistant Administrator for Fisheries in NOAA [National Oceanic and Atmospheric Administration] and have been carrying out these functions for a number of years from the time of the Ford administration.

I would also like to ask that my prepared statement be introduced into the record.

Senator MURKOWSKI. It will be entered into the record as if read.

Mr. BLONDIN. Thank you, sir.

I might just touch on some of the high points that are of concern to the Department of Commerce. I think, as you heard Mr. Derwinski say, "The administration has taken an active role—that is, both the Department of State as well as the Department of Commerce—in the formation of the U.S. position concerning this protocol."

And I underscore, as he has said, that we have consulted extensively over the past 2 years with the Congress, the public, and other parties, through public meetings and through the distribution of environmental impact statements. I think it is important to underscore this because certainly there has been an opportunity to hear the arguments and the concerns.

And it was my belief as we were proceeding through this—and certainly we had the inputs of many groups—that what we were trying to change through the protocol amendments would satisfy most of the groups in the United States and still allow us to continue what we perceived as an important international management organization.

I would like to underscore that the statement attached to the 1984 protocol clearly expresses the shared view of the parties, and emphasis is on four major areas for future action I think, in a sense these have been covered, but let me touch on them again.

First, it would involve additional research on the problem of net entanglement, which we believe is a major cause of fur seal mortality at sea.

Second, it would allow the parties to take all appropriate measures to halt net and gear discard at sea, in accordance with the London Dumping Convention.

Third, in the event of unforeseen circumstances, taking measures as necessary for the conservation and management of the fur seals, after consultations with the other parties would be the order of business.

And last and perhaps most important, within 2 years all of the parties would review the convention to determine if modification or renegotiation is necessary in light of what we have learned during the 2-year period.

I think it is clear that we would have liked to have seen more changes occur, and, obviously, in negotiating internationally, one has to abide by the majority approach. In any event, that approach is far better than not having any arrangements at all.

This statement also expresses the U.S. position that, as a state of fur seal origin, the United States has flexibility in making adjustments in the harvest level, and I would like to emphasize here that the convention has always contained a provision, article 5, which provides for the reduction and suspension of the harvest if it is deemed necessary to protect the population.

However, based upon the best available information, our scientists have consistently maintained that the current commercial harvest is not related to the current population decline. And I can assure you, Mr. Chairman, that if the scientific committee were to find any evidence connecting the population decline with the commercial harvest, I am confident that not only would the U.S. position be for a recommendation altering or terminating the harvest, but that would be the decision of the Commission.

I think, Mr. Chairman, that we have the opportunity within the next 2 years to carry out meaningful renegotiation that would allow for improved international cooperation and management in areas that may be deficient or in need of improvement. This would avoid a lapse between the existing and a renegotiated treaty, and I think, as we well know, a lapse in the operation of this Commission could be tragic.

We believe, Mr. Chairman, that the protocol with the attached statement addresses the concerns and issues that are important to the United States and, in conjunction with the Convention, provides for the most effective international management and conservation of northern fur seals throughout their migratory range, which includes the high seas and the claimed waters of the party governments.

If the convention were to lapse, we believe purely domestic regulation would not fully protect the fur seal population. As noted—and I think comment has already been made on the final environmental impact statement—all northern fur seals spend some portion of their lives outside the jurisdiction of the United States and Canada, and indeed in the high seas and within the 200-mile zones of other countries.

In addition, the Convention's prohibition of pelagic sealing and its responsible limits on land harvest remain important safeguards in the management of this species. The incentive to take fur seals, pelagically or otherwise, is ever present, either as a means of extinguishing a major predator of fish in the North Pacific or for the economic value of the fur seal skins.

In fact, it is interesting to note that, at the last Commission meeting that I attended, along with several others who are present in this room, we noted the presence of a pelagic sealing group on Japan's delegation and in discussions with them during the meeting it was obvious that they were serious.

In light of the public concern over identifying the cause of the current population decline, I would like to emphasize that this convention provides the only scientific forum that specifically addresses this critical issue, an issue which, I might add, is a major topic of study within the Convention's scientific committee.

In addition to our responsibilities in the conservation of northern fur seals throughout this range, the Department of Commerce has had a special relationship with the Pribilof islanders. Until passage of the Fur Seal Act Amendments in 1983, the Department was legally responsible for the administration of the island communities and was the primary employer on the islands, especially in the seal harvest.

With the passage of these amendments, the Congress and the President agreed that the Federal Government should remove itself as a major presence on the islands and enable the native residents to chart a course for the future. In the fall of 1983, all Federal employment was terminated. The Secretary of Commerce established a trust fund for each island for the primary purpose of providing support and assistance toward creating a self-supporting diversified economy, one not dependent upon sealing.

Funded with an appropriation of $20 million, these trusts are to assist the Pribilof Aleuts through a 4 to 5-year transition period to a new economy. During this transition period, the jobs, income, and cultural requirements of the commercial harvest are thought to be an important ingredient to minimize the disruptive aspects associated with the Government's withdrawal.

No one can reasonably expect this transition to take place in 1 or 2 years. In fact, I feel it would be unfair for us to change what has already been put into motion.

Two additional points, Mr. Chairman. I would like to assure this committee that the U.S. Government will not spend taxpayers' dollars to conduct a 1985 harvest. Finally, termination of this treaty will not stop the harvest. The Aleut communities will be permitted to harvest for subsistence purposes, and they currently estimate an annual need of somewhere between 10,000 to 15,000 animals. I have even heard some estimates it might be higher if the economic conditions on the islands require that they depend even more upon seals as basic food.

In closing, let me note that there are three primary reasons why we believe this protocol should be ratified and the fur seal treaty be extended: First, this treaty provides a framework for international conservation, protection, and management of the northern fur seal throughout its range.

Second, the treaty provides the essential mechanism through which cooperative research on an international level can be conducted to address the cause of the current decline in the fur seal population. We are convinced that this is the most prudent course of action for the conservation of this marine mammal.

Third, the Aleut community considers the harvest of fur seals an important part of their economy and subsistence. There would be adverse socioeconomic impacts on these people if there were an immediate cessation of the fur seal harvest.

I thank you, Mr. Chairman. This concludes my prepared statement, and my colleagues and I would be delighted to answer any questions that you may have.

[Mr. Blondin's prepared statement follows:]

TESTIMONY OF
CARMEN J. BLONDIN
DEPUTY ASSISTANT ADMINISTRATOR FOR FISHERIES
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

JUNE 13, 1985

Mr. Chairman and Members of the Committee:

My name is Carmen Blondin, United States Commissioner to the North Pacific Fur Seal Commission, and Deputy Assistant Administrator for Fisheries Resource Management of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA). Our agency is responsible for the conservation of fur seals on the Pribilof Islands and shares responsibility with the Department of State for participation on the North Pacific Fur Seal Commission.

Thank you for permitting me to appear before your Committee and present testimony regarding the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals. This Protocol extends the Convention for 4 years and includes an attached statement expressing the concerns of the parties on decline in the fur seal population, current economic conditions, and other problems of fur seal management and conservation. Ratification of this Protocol has received the strong support of many major wildlife conservation and management organizations. You will hear testimony from The Audubon Society, World Wildlife Fund, and National Wildlife Federation later this afternoon.

The Department of Commerce has taken an active role in the formation of the U.S. position with respect to the statement and the continuation of this Convention. We have consulted extensively over the past 2 years with Congress, the public, and the other parties to the Convention through public meetings and the distribution of an environmental impact statement. On October 12, 1984, representatives of Canada, Japan, the Soviet Union, and the United States signed the Protocol and its attached statement to continue the international conservation and management of fur seals until 1988. The Department of State has been notified by the other signatories that each country respectively has now ratified the Protocol.

Agreements leading to the present Convention have been in force since 1911. These treaties have been very successful in establishing an international conservation regime protecting northern fur seals from over-exploitation. Starting from a low of approximately 300,000 in 1911, and despite a recent decrease, the northern fur seal population currently numbers over 1 million. The Interim Convention of 1957 has been extended four times, in 1963, 1967, 1976 and 1980. The 1976 Protocol contained major amendments to the Convention providing greater protection for fur seals, and the 1980 Protocol extended the Convention for 4 years and acknowledged the parties' recognition of extended fisheries jurisdictions.

The statement attached to the 1984 Protocol clearly expresses the shared view of the parties which emphasizes four major areas for future action. These are covered by the State Department in their testimony and include 1) additional research on the problem of net entanglement which may be major cause of fur seal mortality at sea; 2) taking all appropriate measures to halt net and gear discard at sea, in accordance with the London Dumping Convention; 3) in the event of unforeseen circumstances, taking measures as necessary for the conservation and management of the fur seals, after consultations with other parties; and 4) within 2 years, all parties reviewing the Convention to determine if modification or renegotiation is necessary, in light of these issues.

This statement, which was initiated by the United States and is signed by all the parties, supplies the impetus for research on fur seal entanglement and encourages the parties to initiate and/or strengthen their respective domestic laws prohibiting the disposal at sea of fishing gear and other debries which might lead to the entanglement of fur seals. We believe that fur seal mortality at sea is a significant problem and is a major contributing factor in the population decline.

The statement also expresses the U.S. position that, as a state of fur seal origin, we have the flexibility to make adjustments in the harvest levels. I would like to emphasize here that the Convention has always contained a provision (Article V) which provides for the reduction and suspension of the harvest if it is deemed necessary to protect the population. However, based on the best available information, scientists have consistently maintained that the current commercial harvest is not related to the current population decline. If the Scientific Committee were to find any evidence connecting the population decline with the commercial harvest, I am confident that the Commission would recommend the alteration or termination of the commercial harvest.

We also have the opportunity within the next 2 years to carry out renegotiations that would allow for improved international cooperation and management in areas that are deficient or in need of improvement. This would avoid a lapse between the existing and a renegotiated treaty. A lapse would cause significant problems in the operation of the Commission.

I believe the Protocol, with the attached statement, addresses the concerns and issues that are important to the United States, and, in conjunction with the Convention, provides for the most effective international management and conservation of the northern fur seals throughout their migratory range, which includes the high seas and the claimed waters of the party governments.

If the Convention were to lapse, purely domestic regulation would not fully protect the seal population. As noted in the Final Environmental Impact Statement on the North Pacific Fur Seal Interim Convention just published,

> "...all northern fur seals must spend some portion of their lives outside the jurisdiction of the United States and Canada. Pregnant females take a direct route from the West Coast to the Pribilofs each Spring. This component of the population is the most sensative to harvesting and at the greatest risk from any possible resumption of pelagic sealing" (FEIS, page 18).

In addition, the Convention's prohibition of pelagic sealing and its responsible limits on land harvests remain important safeguards in the management of this species. The incentive to take fur seals pelagically or otherwise is ever-present, either as a means of extinguishing a major predator of fish in the North Pacific or for the economic value of the fur seal skins. In fact, it is interesting to note that a Pelagic Sealing Group was represented on Japan's delegation at the recent meeting held in Tokyo.

In light of the public concern over identifying the cause of the current population decline, I would like to emphasize that this Convention provides the only international scientific forum that specifically addresses this critical issue, an issue, I might add, that is the major topic of study within the Convention's Scientific Committee.

In addition to our responsibilities in conservation of the northern fur seal throughout its range, the Department of Commerce has had a special relationship with the Pribilof Islanders. Until passage of the Fur Seal Act Amendments of 1983, the Department was responsible for the administration of the Island communities and was the primary employer on the Islands, especially in the seal harvest. With the passage of these amendments, the Congress and the President agreed that the Federal Government should remove itself as a major presence on the Islands and to enable the native residents to chart a course for the future. In the Fall of 1983, all Federal employment was terminated. The Secretary of Commerce established a trust fund for each Island for the primary purpose of providing support and assistance towards creating a self-supporting, diversified economy not dependent on sealing. Funded with an appropriation of $20 million, these trusts are to assist the Pribilof Aleuts through a four-to-five year transition period to a new economy. During this transition period, the jobs, income and cultural requirements of the commercial harvest were thought to be an important ingredient to minimize the disruptive aspects with the Government's withdrawal. No one can reasonably expect this transition to take place in one or two years. In fact, I feel it would be unfair for us to change what has already been put in motion.

Two additional points, Mr. Chairman: I would like to assure this Committee that the U.S. Government will not spend taxpayers' dollars to conduct the 1985 harvest. Finally, termination of this Treaty will not stop the harvest. The Aleut communities will be permitted to harvest for subsistence purposes, and they currently estimate an annual need of 10-15,000.

In closing, let me note the three primary reasons why we believe this Protocol should be ratified and the Fur Seal Treaty extended. First, this Treaty provides a framework for international conservation, protection, and management of the fur seal throughout its range. Second, this Treaty provides the essential mechanism through which cooperative research on an international level can be conducted to address the cause of the current decline in the fur seal population. We are convinced that this is the most prudent course of action for the conservation of this species of marine mammal. Third, the Aleut community considers the harvest of fur seals an important part of their economy and subsistence. There would be adverse socioeconomic impacts on these people if there were an immediate cessation of the fur seal harvest.

Thank you, Mr. Chairman. That concludes my prepared statement. I will be pleased to answer any questions you may have.

Senator Murkowski. Thank you very much, Mr. Blondin.

Are there any further witnesses from the administration?

Mr. Derwinski. No, Mr. Chairman.

Senator Murkowski. Very well. Thank you.

Senator Levin made a statement this morning. I do not know whether you were here to hear it, but he alleged that this was a subsidized harvest under the treaty and always had and always will be, I think would probably be a fair generalization.

I specifically asked for clarification based on the letter which the Secretary of State had sent to Senator Levin, assuring that there would be no Federal funds provided for the harvest itself. I am wondering if you would care to elaborate a little further, anyone on the panel, as to the accuracy of that allegation.

Mr. Derwinski. Mr. Chairman, as you know, I inserted into the record the statement by the Department in addition to my prepared testimony, and let me read that particular paragraph as precisely as it is stated. This is the fifth point in our series of seven points made in that statement. It reads as follows:

> There will be no U.S. Government funds expended for the seal harvest in 1985. It is to be conducted by the Aleuts on a purely economic basis, by a private profit-making Alaska Native corporation at its own financial risk.

I believe that is identical to the statement from the Commerce Department.

Mr. Blondin. That is correct, and certainly there is agreement on the part of the Department of Commerce, Mr. Chairman. I would certainly like to point out that there is no move within the administration to use any subsidy funds, even though in the past we may have found ourselves in the position to negotiate this out in that fashion. That is not the intent of the administration in 1985.

Senator Murkowski. Now, the residents of the Pribilofs have received assistance from the Federal Government for some time. I have before me a statement by the Federal Accounting Office listing payments to the 750 Aleuts who live on the Pribilofs, and this goes back to 1973 when the Alaska Native Claims Settlement Act provided funding, approximately $5 million spread through those remaining Aleuts, as a settlement.

In 1979, the Indian Claims Commission settlement was $8.5 million. The Health and Human Services from 1979 to 1984 that went into the area was $7.2 million; Housing and Urban Development from 1979 to 1984 was $1.1 million; the Interior Department, which maintained the facilities on the islands in their entirety—and basically the people were wards of the Federal Government—Interior's budget was $10 million for 1979 to 1984; Labor budget from 1979 to 1984 was $2.3 million; Transportation and various Government activities in and out of the area from 1979 to 1984 was $1.2 million.

And then in 1983, the Fur Seal Act of 1983 was $20 million, which has been referred to in previous testimony. The St. Paul harbor and engineering design was $1 million in 1982 and 1983. Alaska harbor appropriations—I guess that is money from the State of Alaska—was $15.1 million. St. Paul state harbor appropriation, $16 million in 1984. St. George state harbor funding in 1984, $14 million.

Interior bird cliff sale, 1983 and 1984, $5.2 million, Commerce, Pribilof Islands program, 1973 to 1984, $46.4 million, Commerce, 1984 supplemental addition, $2.3 million, Commerce, St. Paul docking fund 1984, $2.5 million, for a total of $158.7 million, with the portion received between 1982 and 1984 of $104 million.

These figures do not include the Coast Guard airport and maintenance or the Coast Guard LORAN station.

It seems many of these figures are not related to the treaty.

My question specifically is this: In your opinion as witnesses for the administration, is this a fair interpretation of the expenditure by the Federal Government on the Pribilofs for that period from 1973 to 1984?

Mr. **BLONDIN**. Mr. Chairman, this is the first opportunity I have had to look at this. From what I can see based upon some of the figures and my memory, it does appear to be accurate.

I think it must be pointed out that some of the items here are not necessarily Federal expenditures, as you said, but also involve expenditures by the State of Alaska.

Senator **MURKOWSKI**. Thank you.

My next question is this: Identify what could be construed as representing Federal assistance to the fur seal. I assume it would be limited to that portion of the Fur Seal Act of 1983, listed at $20 million.

Mr. **BLONDIN**. Well, of course, that is the act that set up, as you are well familiar, Mr. Chairman, the trust funds. And in fact, this was to assist the people on the islands to diversify their activities from the seal harvest itself. So I think one could argue that, in fact, this doesn't involve sealing at all, but, obviously, is related to diversification.

Senator **MURKOWSKI**. Well, from your testimony I would assume that it is quite clear that you dispute the contention of Senator Levin that there is indeed a continuing Federal assistance in the form of a subsidy.

Mr. **BLONDIN**. Absolutely. Mr. Chairman. In fact, I think what might have been Senator Levin's argument might have been the results of past contracting. That is not the case this year, and it is not the intention of the administration——

Senator **MURKOWSKI**. If there is a treaty this year, would it be spelled out in the terms of the agreement as to the role that the resident Aleut Pribilovians would play in the assurance that there would be directed in that documentation reference to the fact that there would not be any Federal assistance in the harvest itself?

Mr. **BLONDIN**. Yes, Mr. Chairman, we expect such a provision in any agreement between the Government and the Pribilovians. In fact, we have had active negotiations with the representatives on the islands, and perhaps I should ask Mr. Keeney, who is our deputy general counsel, who has been involved in this directly, to comment more specifically.

Senator **MURKOWSKI**. Please.

Mr. **KEENEY**. Yes, Mr. Chairman. In regard to this year's commercial harvest, we have had contract negotiations with the Tanadgusix Corp., a for-profit corporation on St. Paul Island. It is our intent, and I think it is also theirs in the very near future to sign a contract for the 1985 commercial harvest, which would include as consideration the Government turning over its share of the 1984 harvest, approximately 15,300 skins, as well as the United States turning over payments that were reimbursement payments to the United States from the other two countries that share in our harvest, Japan and Canada.

We expect those harvest cost payments to total $60,000, and it is our firm intention not to spend any taxpayers' money on this harvest contract.

Senator **MURKOWSKI**. Thank you.

What interest do the Canadians, the Japanese, and the Soviet Governments have in the Convention, and how would they view the Senate rejection of the Convention as pending? As we all know, they have all signed the protocol. You deal with them. What is their reaction? Have they expressed satisfaction, amazement, disappointment, jubilation, don't care?

Mr. **BLONDIN**. Mr. Chairman, perhaps from the standpoint of Commissioner, I could lead off. I know that several of us here at this table could make comments concerning that question. Let me say that in my exchanges with them they have viewed this convention as being very important for the management of fur seals, and I think that they would view our not being a part of this, even in the broader context, as the United States not wishing to be involved internationally in a responsible way.

This treaty has probably meant more for the United States from the standpoint of total economic return of the resources that have come our way. Even though we heard Senator Levin this morning indicate that since 1974 there might have been disbursements, I think you would hear particularly from the people on the Aleutians that the fur seal harvest has more than paid for the purchase of Alaska, and I think that that should be kept in mind.

I know I am diverting from your question. I think it is clear that they believe in this treaty. They have ratified it and we are the only country at this point that has not obtained a ratification.

Senator **MURKOWSKI**. Did they express any opinions on our reluctance to ratify?

Mr. **BLONDIN**. Well, I think they find it difficult to understand.

Senator **MURKOWSKI**. How do you explain it to them, or do you attempt to? I am directing these questions to anyone.

Mr. **DERWINSKI**. I think it should be made clear, Mr. Chairman, that we are speaking of an international management and conservation agreement, and this is the only vehicle for international research, management, and conservation of the North Pacific fur seal stocks. Without it, we wouldn't have the vehicle for the four-party cooperation that we now enjoy.

It is obvious, since we are the last to be acting, that the three other countries involved all have a very positive determined attitude toward the cooperation that is called for. I think it is fair to say they would be very disappointed, and I think it would also be fair to say it would be very difficult to put the pieces back together again, were this agreement to lapse.

Senator **MURKOWSKI**. Would you project that Japan, Canada, and the Soviet Union would go ahead with the protocol without us?

Mr. **DERWINSKI**. Well, they would go ahead with their own necessary activities.

Senator MURKOWSKI. I know that. But my point is, in your opinion would they have a protocol similar to what the four parties have?

Mr. DERWINSKI. Theoretically, they could.

Senator MURKOWSKI. I know they could. What is your opinion?

Mr. BLONDIN. Well, if I might, it is my opinion, not based on too much discussion, but I think if we were not a part of this that the continuation of these arrangements would fall apart. I doubt very much that the other parties would find it in their total interest to go along with a treaty without the United States being a part of it. I think that it is important to recognize that everyone has a different view on the management of seals.

And to illuminate why I think it would fall apart, in the discussions within the Commission within the last few years, the Soviet Union has even wanted to consider taking pups. According to some of their data, at least when the animals arrive just short of one year, that they were, from an economic standpoint, able to produce a better return and would enhance the survival of the remaining pups.

We, from the standpoint of the United States obviously have resisted that, but nevertheless I illuminate that because I think there are different views. And together we have been able to maintain some kind of rational management, a rational harvesting, and I think that would fall apart.

Within Japan, as I have indicated, at the last meeting there were representatives of the fishermen who were there expressing a view to undertake pelagic sealing. I have talked with coastal fishermen in Japan and they have indicated to me that fur seals are competing with them and they would like nothing better than to be able to——

Senator MURKOWSKI. Competing with them in what way?

Mr. BLONDIN. Competing with them in catching fish.

Senator MURKOWSKI. How many fish does a fur seal catch?

Mr. BLONDIN. Well, I think I would ask Dr. Fowler to comment on that, but the amount of fish that is consumed by a fur seal on a daily basis represents a tremendous percentage of its total body weight.

Senator MURKOWSKI. Give us an idea for the record. How significant is the fur seal on the fish ecosystem?

Dr. FOWLER. I think I would answer the question with respect to the total fur seal population, rather than with respect to an individual fur seal.

Senator MURKOWSKI. You would identify that population at about what?

Dr. FOWLER. The population in the North Pacific is estimated at 1.1 million at this point in time.

Senator MURKOWSKI. Thank you.

Dr. FOWLER. That portion of the population breeding on the Pribilof Islands is estimated to consume between 1 and 4 percent of the standing stock of pollock biomass, which, of course, as you are well aware, is one of the major fisheries in that area, and that gives you an idea.

Senator MURKOWSKI. Thank you.

A point was made during this morning's testimony with regard to the adequacy of the 200-mile limit to safely ensure that the seal would not be exposed to pelagic sealing. In Mr. Derwinski's statement and perhaps in yours, Mr. Blondin, there was a reference to the general area of the seal, that they move in and around and about. But the point was made quite directly by Senator Levin this morning that the 200-mile limit is quite adequate, and I would like your professional and scientific opinions as to the accuracy of that contention.

Mr. **Blondin**. Answering from the standpoint of the Commission, as well as scientists within NOAA who are studying this problem—and again, we can certainly get some additional comments from Dr. Fowler—I think it is clear, particularly with the younger animals, that every one of them at some point in their lifetime goes outside of the 200-mile zone of the United States and Canada.

The stocks from the Pribilofs largely migrate down along the coast of Canada and the United States as far south as Mexico. But they do go outside 200 miles in cutting across those areas, and some, to a smaller extent, migrate as well on the other side of the Pacific, off the coast of Korea, Japan, and the Soviet Union.

In fact, we have had small numbers of tagged seals reported from the rookeries on the other islands, the Soviet Islands, indicating that there is this transfer. But I think we have to come to the conclusion that 200 miles does not totally protect fur seals. They would still be vulnerable to activities that may not be directly related to a direct fur seal business.

But, at least, as I was pointing out earlier to you, if you had fishermen involved in fishing activities and there were no prohibitions against taking seals, that would be a splendid bycatch in anyone's view.

Senator **Murkowski**. Can you elaborate a little on the contention that the treaty has not been a successful effort in resource management? That was an allegation that was made this morning. We know that it came from around 300,000 in 1912 or thereabouts, and it has moved up and down.

We have heard about the current equalization, if you will, of the herds' population on St. Paul and St. George. There has been no sealing on St. George for 13 years, and there is no difference in the percentage of the herds' decline between harvested St. Paul and unharvested St. George.

But the reality is we have had a treaty long enough to make some valid judgments about its effectiveness. It is a treaty that has been in existence since 1912. We have had the opportunity to scrap it every so often, every 4 to 6 years since that time. But we have not done it.

Now, we have an allegation that the treaty has not served its purpose. I would like your individual or collective remarks with regard to that statement. Is it successful or unsuccessful, largely successful?

Mr. **Blondin**. Well, I think you're asking perhaps a question to those of us sitting here who feel that the answer is quite obvious, and that is we all feel it has been successful. Yes, there are areas which need improvement. I think in the area of management the United States would like to see us, as a state of origin, have more control in deciding the harvest levels, particularly on short notice. I think the other parties have a different view on that point, but basically that is an area where improvement could be made, as an example.

Another area is this: The management concept that is used is not one that we operate under within the Marine Mammal Protection Act [MMPA]. As you well know, optimum sustainable population is the MMPA management concept. Again, we would like to adjust within the terms of management of these marine mammals to that kind of concept.

We don't think we are that far apart at this point, because we certainly do take into account socioeconomic factors. We also look at the relationship between the fur seals and fish. But it could be said more definitely that that is an area for possible improvement.

I think from our standpoint it has been successful and, while one can argue that the population is coming down at a rate of 4 to 8 percent, roughly around 6 percent at this point, and we think we have some of the answers namely, that it is a problem not associated with harvesting, but rather, a problem associated with mortality at sea, some of which we have observed due to net entanglement.

Now, even in that area some of the indications are that the problem may be beginning to subside. With the comparisons, as we have heard other witnesses say, Mr. Chairman, with St. George, where we have had no harvest for over 10 years, one would expect that if there were any benefits to be gained by not harvesting, that would show through.

We have not seen any perceptible differences in the data from St. George and St. Paul.

Senator MURKOWSKI. Do the seals always go back to the same island where they were born?

Mr. BLONDIN. I think in general terms they do, although we have had some who have been observed to go from St. Paul to St. George. We have even had some that end up on the Komandorski's. But generally, I think they return to the rookery of birth.

Senator MURKOWSKI. So your contention is that the Convention has been successful?

Mr. BLONDIN. Yes, sir.

Senator MURKOWSKI. What is your prediction if we do not have a treaty? What is going to happen?

Mr. DERWINSKI. Mr. Chairman, if I could refer to the statement made by Secretary Shultz, he stated that unilateral abandonment of this effort, which would be the result of failure to act in support of this, would seriously weaken our leading role in responsible management efforts.

Senator MURKOWSKI. What happens to the seal?

Mr. DERWINSKI. That is right, and also other fields——

Senator MURKOWSKI. What happens to the seal? I want to know what is your prediction of what happens to the seal if we do not have a treaty? I am told that you propose to take this year about 22,000, and you have indicated that there is roughly 1.1 million, not necessarily in the Pribilofs but in the North Pacific, and 870,000 on the Pribilofs, and this is down from 22,500. In 1968 it was 58,000.

So you have continually come down. In 1960 126,000 were harvested. So you have come down over the period I have of a high in 1961 of 126,000, gradually decreasing in each year since 1977. There has been a decrease in each year.

My question is: If there is no treaty what, in your estimated judgment, is going to happen to the seal? Obviously, we are not going to be taking any under the treaty.

Mr. BLONDIN. Well, that is true, Mr. Chairman. But I think one would first of all have to look at what might happen from a domestic standpoint. There still is a subsistence need by the people on the Pribilof Islands.

Senator MURKOWSKI. And that subsistence need is estimated, I think in testimony, at 12,000 to 15,000.

Mr. BLONDIN. That is correct. As I pointed out, depending on other economic factors, that could be pushed up if there is a greater need to rely on seals for food.

Senator MURKOWSKI. Let me ask you this. Last year 22,000 seals were taken. Were those 22,000 seals with the exception of the pelts, used for subsistence by the residents there?

Mr. BLONDIN. A good portion was, Mr. Chairman.

Senator MURKOWSKI. What were the rest of them used for?

Mr. BLONDIN. Some of the parts—I think it can be fairly said that the most desirable parts on all of the animals are taken off as prime food. There are other parts that are used for dog food and other purposes like that.

Senator MURKOWSKI. But my question is, if you use an estimate of 10,000 to 15,000 for subsistence, which is a reality under the law, and you have allowed 22,000 or 23,000, 24,000, 25,000 or 26,000 to be taken traditionally, then are you not theoretically underestimating, or could you very well not be underestimating the number that would be taken by subsistence?

It might be the difference between—what if they have used and needed in the area of 20,000 to 22,000? Is there not an indication that they would need that today?

Mr. BLONDIN. Mr. Chairman, we have had censuses on both of the islands, which varies from year to year on needs. I think that question has to be put to the people on the islands, who are the only ones who can express the needs that they have. We can estimate and our estimates will never be accurate.

Senator MURKOWSKI. Well, it would appear that if they have used all the seals that have been available before in a subsistence manner, that if you estimate up to 15,000, you may be estimating unrealistically low.

Mr. BLONDIN. That is possible, however, it is believed that the commercial taking has generally exceeded the subsistence needs.

Senator MURKOWSKI. Well, we will have testimony further on this later on.

The point was made that the fur seals have little or no value. They are not desirable, they are a drag on the market. We have a letter from the Fouke Co., May 31, 1985, addressed to Mr. Tim Keeney. Do you have a copy of this letter?

Mr. KEENEY. Yes, Mr. Chairman; I do.

Senator MURKOWSKI. Would you care to enter it into the record?

Mr. KEENEY. I certainly would.

[The material referred to follows:]

THE FOUKE COMPANY

FOUKE

6100 WHITE HORSE ROAD
GREENVILLE S C
29611

May 31, 1985

Mr. Tim Keeney
U.S. Department of Commerce
N.O.A.A.
Office of General Counsel
Room 5814
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Mr. Keeney:

We have been talking to TDX Corporation regarding the contract on the 1984 skins and are making some progress. While chatting with them, I have read with interest that some groups feel that the Alaska Fur Seal is dead as a fashion item - - it's a time gone by, or going nowhere, etc.

Since we have not talked in a while, I thought I might "set the record straight" and at the same time, bring you up to date.

Currently we are selling the skins for an average price of 25% above the 1984 selling price.

Our sales this year are going briskly. In fact, so much so that we are nearly "sold out", and are currently turning customers away, even with a price increase of 14% three months ago. This is a significant advance over a few years ago, as you know.

In reference to low selling prices. A few years ago, we were unable to obtain a reasonable selling price primary due to the quality of the skins. It has been determined that someone trying to save dollars at harvest time purchased the wrong salt for the harvest - - we had a terrible time with these skins and consequently the damaging at the Islands and in processing resulted in a lower grade skin, thereby, worth considerably less value in all cases.

The market as we see it today is rosy and we are excited. The 1984 harvest of 22,000 skins should have a market value of approximately 1.7 mm, and the market place of which the majority is export is getting stronger. In fact, because of the exchange rate and duty some of our customers must pay, a $75.00 skin becomes a $103.00 skin landed in their shop, and we still have strong demand from these areas.

The majority of our skins are marketed in North America with the remaining in Europe and Asia.

Due to our Direct Marketing approach, our past media plan, and an increase in selling price, we profit, and the market is asking for more skins than we can acquire. We see this trend continuing for the next two years.

Sincerely,

THE FOUKE COMPANY

T. P. Barnshock
President

TPB/mc

Senator **Murkowski**. Would you highlight the comment relative to the role of the Fouke Co. in the fur seal, its uniqueness and some statement relative to what it says about the desirability of pelts?

Mr. **Keeney**. Certainly. The United States has dealt with the Fouke Co. since approximately 1915.

Senator **Murkowski**. Why them? Are there some others out there that have the process?

Mr. **Keeney**. The Fouke Co. does have a process which is a trade secret. No one else has been able to figure out what it is.

Senator **Murkowski**. It is kind of like Coca-Cola. It is either sweet or sour, you can have it either way.

Mr. **Keeney**. Something like that, but Fouke hasn't decided to change their flavor lately, though.

Senator **Murkowski**. OK.

Mr. **Keeney**. They have only changed the color.

But they do make a very fine product. It is marketable, and by a factor of at least 20 percent, it is more marketable than the other similar products when it comes to price. It is competitive worldwide. They are well known in the fur industry.

This letter that you referred to, I think, indicates the state of affairs as it exists today, and, if you will bear with me, I will read a few paragraphs from that letter. I think it is quite telling. It says:

> Currently we are selling the skins for an average price of 25 percent above the 1984 selling price. Our sales this year are going briskly. In fact, so much so that we are nearly sold out and are currently turning our customers away, even with a price increase of 14 percent 3 months ago. This is a significant advance over a few years ago, as you know.
>
> In reference to low selling prices: A few years ago, we were unable to obtain a reasonable selling price primarily due to the quality of the skins. It has been determined that someone trying to save dollars at harvest time purchased the wrong salt for the harvest. We had a terrible time with these skins and consequently the dam-

aging at the Islands and in processing resulted in a lower skin grade, thereby, worth considerably less value in all cases.

Senator **Murkowski**. Thank you. I do not think it is necessary to read the balance of it. The entire letter will be entered into the record as if read.

I assume we will have an opportunity to question those witnesses representing the Pribilovians with regard to the exposure of again putting on the market a product that is less than desirable, whether it be from the salt or anything else.

How much money goes into the research and how much money are the other countries contributing in this process to the continued maintenance of the fur seal and its habitat? What happens to it?

How does this work? Is this something that is done as a consequence of the treaty, where everybody exchanges information? If so, is there a monetary contribution or is it in kind? What is it?

Mr. **Blondin**. Mr. Chairman, let me begin by addressing some of your points generally, and then asking Dr. Fowler to comment more specifically. There is a great deal of scientific cooperation that goes on, and I think, without the treaty, probably none of the countries would direct that kind of activity to research.

The United States has been putting in about $500,000 a year for the last few years, even though I think at times the administration has asked for more research money. That is basically what we have been spending.

The Japanese on an average have been doing some at-sea work, which necessarily runs the expenses up, and the average over the past few years has been somewhere in the neighborhood of around $700 million—$700,000, I am sorry.

The Soviet Union again, like Japan, contributes a great deal of at-sea research. The costs have varied from about $1.5 million to below that, and we believe that the average has been somewhere around $1 million annually.

Estimates to Canada are unclear; we do not have a strong basis for it. My estimate—and I emphasize, my estimate, so that I will be blamed if I am wrong—is somewhere in the neighborhood of $200,000 to $300,000 a year.

I would ask at this point, Mr. Chairman, on particularly what scientific cooperation means and specifically the components of that research—whether it is in-kind in the way of scientists, research vessels, et cetera—I would ask Dr. Fowler to comment more specifically.

Senator **Murkowski**. Please proceed, Dr. Fowler.

Dr. **Fowler**. The kinds of research that are being conducted by the four parties to this Convention involve a variety of different approaches. The Soviet research and the Japanese research are the only two sources of pelagic research of any significance at this point in time. The United States is involved in only minimal pelagic research and, Canada, none at all.

The primary contribution to the research budgets by both Japan and the U.S.S.R. involve the vessel time which they devote to this pelagic research. In the case of both the Soviet Union and the United States, considerable research effort is devoted to the determination of numbers and the monitoring of the populations on the breeding islands.

If there is need for further detail, I would be glad to provide further information.

Senator **Murkowski**. Thank you very much.

Is it because of the treaty that the Koreans do not go out and do pelagic sealing, or the Taiwanese or somebody else who is out there? We know they are both out there fishing.

Mr. **Blondin**. Yes, Mr. Chairman. It is my view that other countries, taking note of this treaty between Japan, the Soviet Union, Canada, and the United States, respect it.

I know that, with my experience in a past career when I was the captain of a patrol vessel in the Bering Sea, when Korean vessels would accidentally take a seal they would immediately turn it over to us. I think that this indicated to those of us who were on the scene that there was respect by those countries for this treaty.

Senator **Murkowski**. And without the treaty, then there would not be the necessity of abiding by any international agreement. It would theoretically be open season?

Mr. **Blondin**. Not only the necessity, but I think it would be fair to say, Mr. Chairman, that those provisions in our law that might allow us to take some action, such as the Pelly amendment, would not be operative because we would not have an operating international regime.

Senator **Murkowski**. Thank you.

You have seen the distinguished witness list of environmental groups that are supportive and those that are not. If you do not have that, I would be happy to provide it. I assume there is a witness list before you.

I am wondering if you can give us offhand your comments of why the wide disparity of those who say the treaty is a good thing and a good way to manage the resource, versus not having a treaty being better for the resource. If you do not have that—and this was entered into earlier testimony—it is my understanding that those who are opposed include the Humane Society, Friends of Animals, National Humanities Center, Green Peace, Animal Protection Institute: and those who support the treaty are the Audubon Society, the World Wildlife Fund, the National Wildlife Federation, Wildlife Legislative Fund of America, Wildlife Management Institute, the Wildlife Society, the International Association of Fish and Game Agencies, and the National Wildlife Refuge Association.

Mr. **Blondin**. Mr. Chairman, I have not had a chance to talk individually to each and every representative of those organizations. I have had an opportunity to talk to some, and I think you will hear their views directly. But I think, to summarize it, those organizations that are involved with wildlife management feel that this treaty is a good example of sound management and in general terms, from a biological standpoint, there is good scientific exchange going on. I think that is the reason for the support.

The lack of support, on the other hand, I think, comes from the standpoint that many of us—and I must admit myself, when I first went to the Pribilofs and saw these lovely creatures, was concerned very much about the harvesting of them.

But I think one has to take into account that in that environment that is a part of the tradition, and as long as we are managing adequately and the animals are not threatened or endangered, which they are not, then I think one has to conclude that there is good management going on.

Senator MURKOWSKI. Do you feel comfortable with the particular number that was determined at this year's negotiation, 22,000? How does that come about? Is it input or is it the scientific evaluation or the sustaining ability of the herds?

It is down, obviously, from previous years. Should it be down further? Should you be saying it should be 20,000 or 18,000?

Mr. BLONDIN. Mr. Chairman, these factors were all taken into account.

Senator MURKOWSKI. Was it taken into account because of the economics of the situation, the economic interest of each country, or is it a scientific interest or is it the interest of maintaining the resource?

Mr. BLONDIN. Mr. Chairman, let me respond in this way. First, using formulas, the scientists determine the number of excess males that will be available, subadult males, and these are excess to the propagation needs of the herd. That estimate this year was somewhere on the order of 23,500 animals. The Commission could have set the harvest at that level had it desired to do that, but at my request, since we had a harvest last year of 22,000, and just to provide that ounce of safety factor in order to ensure that we would have proper escapement, we asked that it be set at 22,000. But this was based solely on biology, solely on science.

I did, at that meeting, also raise a question concerning economics, and I must admit I am not the best judge of the current economic conditions. I think that since we have passed on the responsibility to the Native corporations, that they are in the best position to determine whether or not any risks should be taken from an economic standpoint.

But we did look at that and then concluded that if there were economic problems that arose between the time of the Commission meeting and the harvest, there is a provision that the Commission passed upon that we would consult and so reduce the harvest based upon economic factors, solely economic factors. Obviously, if we had new biological information or we had an unforseen circumstance such as a major pollution problem that would threaten the stocks, we would certainly take action to reduce based upon those contingencies.

Senator MURKOWSKI. Harvest targets one set before the seals actually arrive in the Pribilofs?

Mr. BLONDIN. That is correct. Yes, sir.

Senator MURKOWSKI. Do you have the flexibility if there are less seals that actually arrive to reduce the harvest once you visibly count the seals that are there if there's not as many?

Mr. BLONDIN. Well, Mr. Chairman, the way that the harvest is conducted, if there are fewer seals that arrive, automatically there will be fewer seals that are harvested. Because of the technique of harvesting, unlike fishing with nets in which you scoop everything up, we are simply working on the periphery of the herds and taking those animals that are excess. We allow a certain escapement of small and large animals. The procedures themselves have safeguards within them.

And I would ask, perhaps it might be well to hear from Dr. Fowler on some of these points. He is much more familiar with them than any of us.

Senator MURKOWSKI. Please, Dr. Fowler.

Dr. FOWLER. Thank you, Mr. Chairman.

Senator MURKOWSKI. I think this is an educational process, and the fact that we have scientific witnesses that are willing to stake their reputation on their recommendations; and that is about the best that we could ask for.

Dr. FOWLER. The procedures that we use for providing information to the Commission involve the prediction, as Mr. Blondin outlined, of the number of animals available for the harvest, which then are taken by a harvest that consistently takes a certain fraction of those animals. So that if a reduction in the number returning occurs, there will automatically be a reduction in the harvest. The determination of the prediction, if you will, of the animals which will return and the establishment of an upper limit to the numbers of animals that we think are safe to be taken involves the recognition that at some point, it has to be possible that the population can be overharvested; that is, that at some point there can be too few males to mate with the females present.

Current research by the Soviet Union has recommended that the ratio of adult males to adult females be about 1 to 20. We currently observe a breeding ratio of about 1 to 18.

So our recommendation for the upper limit to the harvest is based on achieving and maintaining these kind of sex ratios, which have been observed in the past to be sex ratios capable of maintaining a growing or productive population.

Thank you.

Senator MURKOWSKI. Thank you very much.

Senator Stevens this morning in his testimony was outspoken, but even more so on the point of the entanglement problems associated with the monofilament nets that are used by some nations and the necessity of trying to get these nets so that they will disintegrate in some way over a period of time as opposed to those nets that don't have that capability.

Does the treaty provide an opportunity to relate to these concerns, and is net entanglement, in your opinion, a significant and growing problem, or is it beginning to decrease, or is it about the same?

Mr. BLONDIN. Mr. Chairman, perhaps I could address this generally, and again call on others here to fill in on specifics.

First of all, I think in at least our observations of the problem, for those animals that do come ashore, we have noticed a leveling off of entanglement, but it is still, I think we can say, at a level that requires taking action.

The United States outside of the Commission last year did call for an entanglement workshop and invited the scientists from countries in the Pacific as well as others within the United States and Asia to be present to look at this problem, to determine the extent of it, and then to begin to take the first steps to solve the problem.

I think we are at the very beginning of this. The Fur Seal Commission is also playing a part. I think it is clear that, if we are going to move into an area of requiring new regulations, the Fur Seal Commission can play a part. But in all honesty, I think that the problem is so large and affects so many other things that, probably, it would require negotiations in a much broader arena; and I expect that that will occur.

Senator **Murkowski**. All right. Well, I think we have pretty well covered the entire gamut of questions that have been posed by myself and my staff. I appreciate your reassurance that the Federal Government will not be involved in any type of funding or subsidy of the harvest, should there be a protocol. I think your explanations with regard to the market of fur seal pelts, the situation covered under whether the fur seal would be adequately protected under domestic law—within our 200-mile limit—without a treaty were well covered.

I guess the last area that I would want comments on is where we are without a treaty. You have suggested that subsistence is guarenteed under existing law. The amount is unknown, but based on estimates, 10, 12, 15,000 yet, the realities that they have utilized in excess of 20, I think puts further emphasis on the fact that without a treaty, we would be in a situation where we would have an uncontrolled harvest that would not designate that only the bachelor male outside the so-called harem would be taken, but the pregnant females and pups would also be subjected to harvest. And we could expect the exposures of pelagic sealing to exist for the rest of the seals after they left the Pribilofs as a further threat to their existence. And one cannot help but come to a conclusion as to where the best interests of the fur seal might be. But that is my editorial generalization, and not yours.

Do you have any other comments you would care to make, Mr. Blondin?

Mr. **Blondin**. I think, Mr. Chairman, if I might, I think there is another area, and that is the question of scientific cooperation. At one point we were beginning to explore that, and then I think we moved off on to another point.

Senator **Murkowski**. Go ahead.

Mr. **Blondin**. But I would like to ask Dr. Fowler from his standpoint as a scientist, who has been involved internationally with other scientists, what is likely to happen without a treaty from an international standpoint.

Mr. **Derwinski**. Mr. Chairman, I have a 2:30 p.m. meeting on the House side. May I be excused at this point.

Senator **Murkowski**. Go ahead, Mr. Derwinski. We appreciate your contribution.

Mr. **Derwinski**. Thank you.

Senator **Murkowski**. Please proceed, Dr. Fowler.

Dr. **Fowler**. Mr. Chairman, I think that the issue of whether or not science would be affected by the discontinuation of this treaty is fairly clear. In my Conversations with scientists representing the other nations, it is very clear that they are afraid that a termination of the Convention will result in a serious cutback in funds available for their research. It is obviously a forum for the interchange of scientific information resulting from this research. Without the Convention and the meetings which are held annually under the auspices of this Convention, we would not have the kind of cooperation and interchange that we now enjoy.

It is very clear that, within the United States, there would be a cutback in fur seal research. Marine mammal research in general has been identified by the National Marine Fisheries Service as a relatively low priority compared to other resource investigations. And without the protection and the motivation for research under the convention, our research would be seriously jeopardized and ultimately be reduced.

Thank you.

Senator **Murkowski**. Do you have any prediction from a scientific point of view on what is likely to be the disposition of the herd, the current herds in 10 years without a treaty?

Dr. **Fowler**. If there were no treaty, it is difficult to predict what the other nations would do in respect to harvesting and managing the populations, but if things were to continue the way they are now for——

Senator **Murkowski**. When you say the way they are not——

Dr. **Fowler**. That is, if there were to be continued harvests in the Soviet Union the way they are harvesting, and if there were harvests to continue in the United States as subsistence harvests or other kinds of harvests, then I would predict that the population——

Senator **Murkowski**. Are you going to plug in any pelagic exposure in this, or is that what you are referring to when you say the Soviets?

Dr. **Fowler**. I am ruling that out for this hypothetical situation, but if they were to continue the way they are under current management regimes, I would predict that the population would continue to decline for a few more years, at least for another 6 years, on the basis of correlations involving entanglement.

If there were to be a reintroduction of a pelagic harvest by any nations or by any efforts along these lines by any nations, the population in the North Pacific will undertake a more serious decline rate.

Senator **Murkowski**. So your contention is that the treaty is in the best interests of the resource?

Dr. **Fowler**. I would say so.

Senator **Murkowski**. That is your professional opinion?

Dr. **Fowler**. Yes, sir.

Senator **Murkowski**. I have no further questions of the panel. Thank you very much, gentlemen. We appreciate your perseverance.

Our next panel will consist of the following group that will please address the witness table: Dr. John W. Grandy, vice president, the Humane Society of the United States; Ms. Nancy Wallace, Washington representative, Animal Protection Institute; Yvonne Eider, Washington representative, Friends of Animals; Vivia Boe, representing Green Peace.

We welcome you to the committee, and we look forward to your testimony, and would ask in the interest of time—I am not going to limit time unless I have to. I have not limited it to the Senators as a customary consideration, and I have not limited it to the administration witnesses. I would appreciate brevity if at all possible.

You may proceed in any order that you wish.

STATEMENT OF JOHN W. GRANDY, VICE PRESIDENT, WILDLIFE AND ENVIRONMENT, THE HUMANE SOCIETY OF THE UNITED STATES; AND PATRICIA FORKAN, VICE PRESIDENT, PROGRAM AND COMMUNICATIONS

Mr. **Grandy**. Thank you, Mr. Chairman.

Senator **Murkowski**. Identify yourself, please.

Mr. **Grandy**. Yes, sir, I will. My name is Dr. John Grandy. I am vice president for wildlife and environment with the Humane Society of the United States. I have with me today Patricia Forkan, who is also vice president. She will present the first portion of our testimony, and then I will present the last portion.

I should also say that I have with me Dr. David Lavigne sitting directly behind me, whose statement is appended to my own statement as a portion thereof.

Senator **Murkowski**. It will be entered into the record as if read.

Mr. **Grandy**. And he will be available for questions relative to population biology of fur seals if you should so wish.

Senator **Murkowski**. Thank you, Doctor.

Ms. **Forkan**. Thank you, Mr. Chairman. I am pleased to be here representing the Humane Society of the United States as well as the Massachusetts SPCA, I KARE Wildlife Coalition, 58 Indiana humane societies, and dozens of other organizations, both wildlife and humane, throughout the country, and their names are included in our testimony.

We believe that the question here today is whether there should be a commercial harvest. The Humane Society of the United States has worked for many years—and I want to set the record straight from what Mr. Cook mentioned this morning—we have worked for many years to try to do something about this hunt. From the mid-1960's we have had representatives on the islands working with the Natives and the Government to improve the situation there. We have been at every public meeting regarding this treaty and anything to do with seals, unlike some of the wildlife groups who you will hear later today. We have been on the delegation to both Moscow and Tokyo. Dr. Grandy actually met with the Natives last year on the Pribilof Islands, as did other representatives from our organization in previous years. We helped pass the $20 million trust fund for the natives.

So to say that we are coming in at the last moment is certainly not correct, and I hope——

Senator **Murkowski**. I am sorry. Would you repeat that? You said it is not correct?

Ms. **Forkan**. Yes. I said that the allegation this morning that our organization is coming in at the last moment to oppose this treaty is ludicrous, since we have been working since the mid-1960's to improve the hunt, and, in fact, at the last hearing on this treaty, we supported the treaty with reservations that it be phased out, the commercial hunt be phased out.

So we do not take lightly the accusation that we are coming in at some late date. We have been members of the delegations to both Moscow and Tokyo. Dr. Grandy has been to the islands, as have several other of our members of our organization since the 1960's. We have been at every public meeting discussing this, unlike some of the wildlife groups you are going to hear from later this afternoon. We have also supported the $20 million trust fund. So we are very much involved in this and have been for a long time.

As a matter of fact, one of the things that I wanted to point out today, that we are involved very deeply in international conservation. Dr. Grandy and I have both been active in CITES, the International Whaling Commission, the Antarctic, any number of treaties where we believe it is extremely important to have cooperation. However, even though our preference is to promote and support international agreements, we will not blindly support just any agreement.

We believe that the primary purpose of the Fur Seal Convention is the business of commercially killing seals. That is why it is in existence. We do not believe that it is in the business of trying to protect these seals. It also violates our domestic legislation known as the Marine Mammal Protection Act. In short, we do not believe that this convention as it is written can help protect these seals, and we will prove that later.

Having been to the IWC since 1973—the International Whaling Commission [IWC]—it is my observation that the Fur Seal Commission is light-years behind the IWC in terms of taking steps to help save a declining population. If the same conservation management rules were applied to fur seals as the United States subscribes to in the International Whaling Commission, there would be no commercial harvest of seals. As a matter of fact, there would be no subsistence harvest allowed either. Under the International Whaling Commission, subsistence take is allowed only when the population is increasing toward maximum sustainable yield. This herd is declining.

We have known that this herd is in trouble for many years. I have included in my testimony an excerpt from a hearing in 1971 where Chairman John Dingell questioned Dr. George Harry from the Marine Mammal Lab in Seattle, at which time Dr. Harry admitted that the fur seal population was in trouble. He did not know what to do about it. And when Mr. Dingell asked him what were they going to do about it, he basically said they did not really know what to do about it.

The situation continues exactly the same 14 years later. At the meeting in Tokyo where I was a member of the U.S. delegation, the week was spent not discussing the decline, it was discussing how wonderful the commission was and what a good job they were doing helping seals. There were no proposals made or decisions taken to actually deal with the decline situation. In fact, there continues to be a raging debate as to the cause of the decline. You heard the U.S. Government say that its cause is primarily entanglement. I was very interested to find out that the other treaty members do not consider entanglement either the sole reason or even the primary reason. They do not know what the reason is. But I might note that the scientific committee listed on their reasons or on their proposed things that should be investigated for the possible decline, they did list the harvest.

I see that my yellow light is on. We have a number of things to cover. It is very hard in this short time. I would just like to say that the threat of pelagic sealing is one that we think is just that: It is a threat. We do not believe that the way to deal with a threat of pelagic sealing is to go out and harvest 20,000 to 30,000 seals. We think it is to make it known that anyone who does it would be punished, and it is unacceptable.

I also might add it is my opinion the Pelly amendment would not and does not in any way prevent other nations from killing seals. And I will not go into it, but if you are interested, you can ask me about it.

I also want to mention that NACOA agrees with this assessment and that they have concluded after a long assessment that pelagic sealing will not in any way be a major threat.

I would like to turn this over to Dr. Grandy who would like to speak to a couple of other items as part of our submission.

Senator MURKOWSKI. Please proceed, Dr. Grandy.

Mr. GRANDY. Thank you, sir.

I have just a couple of points to mention rather briefly.

First of all, there has been the continuing question of whether the 1985 hunt under the current arrangement and under the arrangement you have referred to today would be subsidized. It is clear, I believe, that indeed it would be subsidized, despite the letter of Secretary of State Shultz. Let me explain that.

A year ago the U.S. Government paid the Aleuts between 20,000 and 30,000 sealskins and $500,000 to kill 22,000 seals. Fifteen thousand four hundred of those seals are being used this year, presumably, to pay for the commercial killing of 22,000 more seals should the seal hunt go forward. That in itself is, in fact, a subsidy.

Beyond that, it is quite clear that Senator Levin was correct this morning in asking of what happens in 1986, 1987, and beyond. Because, this treaty—the central point of this treaty—is that, in fact, it would require the U.S. Government to commercially kill seals for the next 4 years.

Now, the question of the biology of the fur seal has come up consistently. There has been the allegation that there is no evidence whatever to suggest that the harvest of male fur seals is having a negative impact on the population. Those who would make such an assertion completely ignore the fact that the only places in the world where the fur seal population is going up at the present time are in areas where there is not a commercial fur seal harvest, where, indeed, there is no harvest at all.

That raises the question that perhaps there is something going on with our harvesting of these seals which scientists cannot detect but the seals can, because, in fact, the seal population is continuing to decline in those U.S. years where harvest is continuing?

Senator MURKOWSKI. Where are they going up?

Mr. GRANDY. On Bogaslof Island, on San Miguel Island, and on the Kurile Islands in the Soviet Union.

Finally, this treaty has been called successful on a number of occasions today. I would like to ask that this chart from a table in a

U.S. Government publication be put up right now, and I will hand you a copy of that as well.

What the Chairman has in his hand and the chart that is currently being displayed is entitled "The Estimated Stock Size of the Northern Fur Seal Population of the Pribilof Islands for the Period 1951 to Present." This figure was distributed by the U.S. delegation at the 27th meeting of the Standing Scientific Committee to the North Pacific Fur Seal Commission.

It shows quite graphically what has happened to the fur seal population in the years 1957 to date; that is, the Pribilof fur seal population was 2 to 2½ million animals in 1957 when this treaty was signed, it is now about 819,000.

Senator **MURKOWSKI**. During that time was there hunting of the female seals at any time?

Mr. **GRANDY**. There was 11 years of hunting of female seals, which was indeed recommended by the Fur Seal Commission and allowed to continue by the Fur Seal Commission. That is absolutely correct.

Senator **MURKOWSKI**. And I assume it was also terminated by the Fur Seal Commission.

Mr. **GRANDY**. You are absolutely right, yes, sir.

In any event, that is the record of this treaty. In short, it is inconceivable to me that proponents of the treaty can say that a treaty whose objective is to sustain the maximum sustainable productivity of a population can be called successful when that is the record of the treaty.

Those in favor of ratification, Mr. Chairman, have attempted to categorize the ratification vote as an up or down vote on what is best for the seal. You have made that point on numerous occasions today. In stating this, they have consistently encouraged Senators and citizens alike to believe that the current treaty is good for seals. This is simply untrue on the basis of the record.

The fact is that the heart and soul of this treaty is a requirement that our Government kill 20,000 to 30,000 seals a year. This treaty has presided over a 60-percent decline in the species while not one effective action has been taken to stem that decline. In our view we believe in a way that the opposition is right. This is a vote on what is best for the seal. We think the answer is obvious, the treaty should be rejected.

Thank you.

[Ms. Forkan's and Mr. Grandy's joint prepared statement follows:]

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Testimony before the Senate Committee on Foreign Relations on the Interim Convention on Conservation of North Pacific Fur Seals

June 13, 1985

by

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Vice President
Program and Communications

and

Dr. John W. Grandy
Vice President
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Mr. Chairman, members of the Foreign Relations Committee, I am Patricia Forkan, vice president for Program and Communications and my colleague is Dr. John Grandy, vice president for Wildlife and Environment for The Humane Society of the United States. We also have with us for possible questions, Dr. David Lavigne, a biologist with expertise in fur seal biology. We are also attaching to our testimony the important statement of Dr. Lavigne relative to fur seal conservation and management.

We are pleased to present testimony today before this distinguished Committee. Indeed, we hope to convince anyone who may still have doubts that the Interim Convention on Conservation of North Pacific Fur Seals should not be ratified.

I should note that both Dr. Grandy and I have substantial experience with respect to the Fur Seal Treaty. I was a member of the U.S. Delegation to the North Pacific Fur Seal Commission meeting this year. Dr. Grandy was a member of the U.S. Delegation one year ago and is a recognized scientist who prepared the HSUS petition to list the Fur Seal as a threatened species. In addition, Dr. Grandy attended the St. Paul Island seal kill in July 1984.

We are testifying today on behalf of the nearly 400,000 members and constituents of the Humane Society of the United States. We are also testifying on behalf of the Massachusetts Society for the Prevention of Cruelty to Animals, I KARE Wildlife Coalition, the Defenders of Animals Rights in Baltimore, Maryland, 58 Indiana Humane Societies and their members, and indeed, humane, animal-welfare, and/or wildlife conservation groups in the states of California, Connecticut, Delaware, Kansas, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, North Carolina, Rhode Island, South Dakota, Texas, Vermont, Virginia, and Washington. I will submit letters of request that we represent these groups for the record of these hearings.

It is our belief that this outmoded treaty no longer works to protect seals. Rather, it perpetuates a commercial harvest while simultaneously overseeing an ominous and steady decline in the fur seal population. Given the facts which we will present today, it is clear that this Committee should end up considering only one issue -- will it force the U.S. government to allow and perpetuate the commercial slaughter of fur seals for four more years? We believe that the Senate must answer NO to this question and must for that reason reject this treaty.

International Conservation

The HSUS has long supported international efforts to protect animals. We have actively worked not only to create but also to ensure the maintenance of viable conservation-oriented treaties including: The Convention on International Trade in Endangered Species of Wild Fauna and Flora; the International Whaling Convention; Convention on Conservation of Antarctic Marine Living Resources; the Law of the Sea Treaty (particularly Article 65 which provides for the total protection from exploitation of all marine mammals); Migratory Bird Treaty and many others.

When the Interim Convention on Conservation of North Pacific Fur Seals came before the Senate Foreign Relations Committee in 1981, The HSUS finally and reluctantly supported the treaty only on the basis that the government would, among other things, phase out the commercial harvest. Since then the situation has worsened for the seals and there is still no plan to allow for their recovery or to end the killing. The administration continues to support a commercial harvest. The HSUS can not support a treaty which is virtually identical to the one ratified four years ago. There has been an attempt to make it seem updated by attaching a statement of concerns. However this is merely a form of obfuscation since neither the treaty, the Protocol, or the statement provide the protection needed for the seals.

Although our preference is to promote and support international agreements, we will not blindly support any agreement. The primary purpose of this agreement is to bind the U.S. government into the business of commercially killing fur seals, and to do it in a way which violates the Marine Mammal Protection Act. In short, the treaty under consideration today is not working and cannot work to achieve what is required for fur seal protection.

1985 Meeting of the North Pacific Fur Seal Commission

It is my opinion, having attended this year's Fur Seal Commission meeting in Tokyo as a member of the U.S. delegation, that the Commission cannot respond to the conservation needs of the fur seals. As a means of comparison, I have attended the IWC meetings since 1973 and it is my observation that the Fur Seal Commission is light-years behind the IWC in terms of taking steps to help save a declining population. If the same conservation management rules were applied to fur seals as the U.S. subscribes to in the IWC, there would be no commercial harvest of fur seals.

If something had been done by the Fur Seal Commission during that same time period we would not be here today. However, the Commission did virtually nothing for these past dozen years...even though it was well known the herd was in trouble.

I would like to read an excerpt from hearings held in 1971 before the House Subcommittee on Fisheries and Wildlife Conservation. It is an exchange between Chairman John Dingell and Dr. George Harry, director of the Marine Mammal Biology Laboratory from Seattle, and I quote:

> **Dr. Harry.** We have been getting an unusual situation in that it appears that something is happening to their survival in the ocean. In a previous period when the herd

was about the size it is now the population was increasing in numbers at a rapid rate. We got many more returns of fur seals into the harvest than we are getting now, so it appears that something is happening in the oceans to cause a greater mortality while they are at sea before they return.

Mr. Dingell. Now, you are coming to a point that is precisely the same as was made by another witness at a time earlier. That witness indicated that something bad is happening to the survival rate of the Pribilof seal herds, and he indicated that it was this year. Apparently there has been something happening for a little while. Do you have any knowledge of what it is, is it pollution, or what is it?

Dr. Harry. We do not know precisely what it is. We do know it is something that is happening in the oceans. It might be a temporary weather condition, or a temporary environmental condition that will correct itself. There could be something else, such as pesticides for example, working on the physiology of these things, or other contaminants, or it could be a combination of things.

Mr. Dingell. Do you have any research program to find out what is causing this?

Dr. Harry. Practically about all we can do to determine what is happening or what the situation will be, is just what we have done. The only way we can regulate it practically is to eliminate the kill of females. If it is a temporary thing, then in number of years this relationship will change.

And, the most distressing part of this quotation is that it could have occurred today, instead of 14 years ago.

The treaty members continued to discuss the declining Pribilof herd in generalities. There were no proposals made nor decisions taken to actually deal with it.

There continues to be wide ranging debate as to the cause of the decline. For example, the U.S. is the only treaty member who believes entanglement is the sole or even the primary reason for the decline. The others have admitted that they don't know what is causing it, but don't regard entanglement as the primary answer. The Scientific Committee listed over twenty areas of concern -- including the commercial harvest -- as possible reasons for the declining herd. Yet not one proposal was discussed all week aimed at responding to that decline.

A business as usual attitude permeated the meeting. Even the proposed harvest level of 23,499 prompted no discussion of taking the decline into account.

The U.S. position regarding the proposed harvest limit of 23,499 for 1985 was to support the 1984 quota of 22,000 instead. The reason given was to provide a "safety factor." When asked what was meant by a safety factor, U.S. Commissioner Blondin said it was based on the possibility of the natives not being able to sell as many as 23,499 -- making it an "economic" safety factor. He also said that the natives might exceed 23,499 because they will be harvesting on a different time schedule and he believed a safety factor was needed to be sure that didn't happen. It was not based on biological reasons. It seems more likely, however, that the real and overriding "safety factor" was an attempt to lead the U.S. Senate to believe that the Commission had responded to the continuing population decline when, in fact, they had not responded at all.

The U.S. also proposed that the harvest limit be a range from 15,000 to 22,000. That proposal was defeated. Obviously, Japan, Canada, and the U.S.S.R. expect the largest hunt possible to be conducted. They insisted on and passed a resolution binding the U.S. to consultations and concurrence if we want to change the 22,000 limit.

I was told by the State Department representative on the delegation, Mr. Ray Arnaudo, that if the U.S. wished to unilaterally eliminate the harvest or its share of the harvest, that would have to be done by the Senate as an amendment to the Protocol prior to ratification. In other words, the Protocol and its attached statement still do not give the U.S. the right to unilaterally stop even its own share of the hunt. Mr. Arnaudo told me that once the treaty is ratified, the U.S. must comply with the quota.

It is apparent to The HSUS that under the current treaty the Fur Seal Commission hasn't neither the will or the ability to end the commercial harvest. The only option available to the Senate today is to reject the current treaty and place seals under the protection of domestic law.

The Threat of Pelagic Sealing

The threat of pelagic sealing is in our opinion just that -- a threat. I say this because, originally, the massive pelagic kills were conducted within a few miles of the rookeries. Today those waters are fully protected -- it is illegal to kill seals pelagically anywhere within our 200 mile zone. To launch a pelagic sealing effort today, on the high seas, would be economic madness. Seals travel singly or in pairs. A ship would expend so much fuel simply searching for seals that economic losses would be astronomical. The days of commercial pelagic sealing are over.

The threat of the resumption of pelagic sealing is no reason for the U.S. to continue slaughtering tens of thousand of seals. Indeed, the way to prevent pelagic sealing is not to engage in the harvesting of 22,000 to 30,000 seals each year; the proper response to any perceived risk of commercial pelagic sealing is for the government to make it known that pelagic sealing is totally unacceptable and perpetrators will be punished.

Moreover, there is a viable solution to the threat of pelagic sealing through the Fisheries Conservation and Management Act (FCMA) already available. As has been done on behalf of whale conservation, the basket clause in the FCMA can be used against Japan or others conducting pelagic sealing.

Indeed, the only nation even discussing the possibility of pelagic sealing is Japan and they admit that it would take an action by their Diet to overturn a domestic law currently prohibiting pelagic sealing.

Furthermore, the Japanese threats actually stem from complaints by their fishermen that fur seals are interfering with fishing. This interaction occurs within Japanese waters and involves seals from the Soviet herd -- not the U.S herd. While attending the Tokyo meeting I discussed the threat of Japanese pelagic sealing with the Soviet Commissioner. He informed me that even if there were no treaty, the U.S.S.R. would ensure that their seals were protected from any precipitous Japanese actions.

The proponents of the treaty claim that fishermen generally will launch full-scale shooting attacks on fur seals. However, if you look at the interaction of fisheries and marine mammals, it is not the fur seal but the sea lion and harbor seal which are involved and are caught incidentally by fishermen.

Finally, the recent NACOA report concurs with our findings about pelagic sealing:

> "Without the Convention, some risk of pelagic sealing would again arise. However, NACOA believes the risk is small because of the 200-mile resource zones, current negative market conditions, modern recognized principles of living resource management, and high operating costs. Considering the present market for fur seal pelts, it is doubtful that even countries with low labor costs could conduct pelagic

> sealing economically. The greater risk is that of pelagic sealing conducted from vessels fishing for other target species, thereby adding to the pay-cargo without increasing fuel and other costs. But, NACOA has been informed that few vessels frequent fishing grounds in the fur seals' migratory zones. Fur seals migrate east of the Japanese high-seas squid and salmon fisheries. Most commercial fishing in the eastern North Pacific is in the U.S. or Canadian 200-mile fishery zones, where pelagic sealing is banned by those nations' laws in accordance with the Convention. NACOA also believes that after 74 years of almost continuous international prohibition of pelagic sealing, any resumed pelagic sealing would be in violation of what has become customary international law."

The Humane Society of the United States would conclude this discussion of pelagic sealing by pointing out that only three other nations are involved in the Fur Seal Convention. Yet, many other countries fish in the same areas. If the proponents of the treaty truly believe the pelagic sealing threat, then it would seem only reasonable and responsible for Congress to act on behalf of these seals and expand the pelagic sealing prohibition to all nations which we allow to fish within the USFCZ, irrespective of the Fur Seal Convention.

Research

The claims that the treaty is necessary to maintain important international research ring hollow when you realize that the Commission actually conducts no research. The fact is that all research is conducted independently by the treaty nations. There is no overall International research plan of action.

All funding of research is totally up to the discretion of the signatories and is in no way dependent upon actions taken by the Commission. Any research currently being funded would be continued by the nations independent of the treaty.

It is also important to note that international cooperation among scientists is in no way dependent upon a treaty. For example, the U.S. government has cooperative agreements for scientific research with other nations including the U.S.S.R. That cooperative agreement has been in effect for many years and covers such species as ring seals and walrus. There is absolutely no reason to not expand this to include fur seals.

Also, in regard to research, it is clear that in terms of the time and money spent there is precious little data to help us truly protect these seals. We certainly question the quality of research done to date, especially when you consider that this so-called crucial international research has resulted in a seal population sixty percent below the carrying capacity of its habitat, and the population is continuing to decline. Scientists predict that at the current rate of decline the population will be cut in half every seven years.

In spite of the lip service given to the importance of research by this administration -- particularly for continuing the treaty -- we find it incredible that proposed funding for fur seal research in FY86 has been reduced from $428,000 in FY85 to a paltry $28,000.

As an extension of the argument suggesting that we need this treaty for research, proponents are now suggesting that we need the treaty to solve the entanglement problem. Given the history of the entanglement question, this assertion is ludicrous. We have known of the entanglement problem since at least the 1970's. In that time, however, the treaty nations have taken no effective actions to deal with the problem. Posters were printed and distributed in the years surrounding 1977 and 1983, but nothing more was done.

And, in 1984, the other treaty nations were concerned so little with the entanglement problem that these nations refused to co-sponsor a workshop on the subject when asked to do so by their treaty partner, the United States. Finally, the solution to the entanglement problem must involve all the nations which fish in the Bering Sea. Since the North Pacific Fur Seal Treaty only involves four of those nations, it is obviously not an appropriate or workable vehicle for that purpose.

The Aleuts

The Humane Society of the United States supports a subsistence take for food by the Aleut natives based on reasonable and legitimate need. This can be accomplished without the treaty.

We do not believe, as the National Audubon has stated, that it is necessary to continue an outmoded treaty and a commercial harvest of 22,000 seals to ensure that the natives don't "endanger the seals with indiscriminate and unregulated killing." Audubon has been quoted as saying the natives would slaughter females, pups and breeding males.

The Aleut natives deserve better than to be accused of such intentions. Instead, constructive action must be undertaken to ensure an orderly process be established to allow subsistence take.

The Humane Society of the United States also takes strong issue with claims that the seal harvest is the major source of income on the island. This is simply not true. The NACOA report concluded, for example, that 1982-1984 harvest wages were only eight percent of island income. Those figures speak for themselves.

Moreover, the U.S. Congress has appropriated $20 million to help the 750 residents of the Pribilof Islands achieve a "diversified economy not dependent upon fur sealing." Paying natives to kill seals only perpetuates the practice and does not contribute to developing productive alternative employment.

If transitional monies are still needed, then The HSUS would support paying the natives to work on other projects such as fisheries development instead of clubbing seals. It makes no economic sense to continue promoting reliance by Aleuts on a seal hunt which is unprofitable and unreliable. There must be economic diversification.

Biology

Proponents of the treaty allege that continued clubbing of seals is not harming the fur seal population. They completely ignore the fact that the few places in the world (Kurile Islands, Bogoslof Island, San Miguel Island) where fur seal populations are now increasing are on islands where seal killing is not permitted. Clearly, the fur seal population managed to survive for millions of years without being killed by man; it is ludicrous to suggest, as do the supporters of the hunt, that people now need to kill seals for the seals' own good.

The current Pribilof seal population (about 800,000) is about sixty percent below the carrying capacity of its habitat (2 to 2.5 million seals), and the population is continuing to decline. Scientists predict that at the current rate of decline, the population will be cut in half every seven years. The situation has now become so serious that the Marine Mammal Commission, an independent U.S. government agency, has recommended that the fur seal be listed as threatened under the Endangered Species Act.

Moreover, the testimony of Dr. Lavigne which is attached to our statement, and which we hereby adopt by reference, presents additional persuasive reasons for concluding that the clubbing of these seals may be a factor in the population decline.

In any event, the current management strategy has been assiduously advocated by treaty proponents since 1957. The results, in terms of population decline, speak for themselves. It is now time to adopt a new and more comprehensible management strategy: population protection.

Finally, we should mention one last point. Recent papers, distributed to the Senate, have suggested that the 60 percent decline in the fur seal population is being caused by a major reduction in the carry capacity of the Bering Sea ecosystem. We can be pleased, we believe, that there is virtually no evidence to support this assertion. Indeed, both the Department of Commerce and NACOA examined the question, concluding that "At the present time there is no evidence of such a reduction." Moreover, in the recent Status Review on the North Pacific Fur Seal positive scientific evidence (increases in body length, body size, and tooth size), as well as other indicators, was noted which suggests that the carrying capacity of the ecosystem has not changed since the late 1950's.

Conclusion

In conclusion, Mr. Chairman, we at The HSUS, and the numerous other organizations on whose behalf we are testifying, are strongly opposed to ratification of the Protocol and the North Pacific Fur Seal Treaty.

Those in favor of ratification have attempted to categorize the ratification vote as an up or down vote on what is best for the fur seal. In stating this they have consistently encouraged senators and citizens alike to believe that the current treaty is good for the seals. This is simply untrue.

The fact is: the heart and soul of the current treaty is a requirement that the U.S. government kill 20,000-30,000 fur seals each year for commercial purposes. We can not now --if anyone ever could -- delude ourselves into believing that this is true.

Moreover, this treaty has presided over a 60 percent decline in the species since 1957, while not one effective action had been taken to stem the decline.

In a way, our opposition is right. This is a vote on what is best for the fur seal. We think the answer is obvious. It is right for the fur seal and our country to reject the treaty and end the Government-sponsored killing of these seals.

THE EFFECTS OF CONTINUED HARVESTING OF SUBADULT MALE, NORTH PACIFIC FUR SEALS, *Callorhinus ursinus*, ON POPULATION TRENDS

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June 1985

> "If numbers in a population are declining and one reduction is through man's intentional harvesting, the termination of the latter would appear to be the easiest and most understandable technique to attempt to reduce the decline."
>
> K. Ronald 1983 [1]

THE EFFECTS OF CONTINUED HARVESTING OF SUBADULT MALE, NORTH PACIFIC FUR SEALS, *Callorhinus ursinus*, ON POPULATION TRENDS

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The harvesting of subadult male fur seals (*Callorhinus ursinus*) is generally assumed to have little impact on total population size, or on trends in abundance, because there is a "surplus" of males in the population.

The concept of "surplus" ~~mal~~es arises from the fact that North Pacific fur seals have a polygynous breeding system. In any year, only a small proportion of sexually-mature males maintain territories on breeding grounds. Each of these "harem bulls" mates with several females. The remainder of males in the population do not appear to inseminate large numbers of females. These "idle" males are considered surplus in the sense that their presence in the population is usually considered to have little impact on population productivity, i.e. pup production. It follows - according to the conventional wisdom - that some proportion of subadult males can be removed from the population annually. As long as sufficient numbers are left to become harem bulls in the future, the killing of some subadult males should have little, if any, impact on population productivity and trends in abundance.

To consider "idle" males in polygynous populations to be "surplus" animals is naive. Social structures and breeding systems of populations evolve; they are moulded by the process of natural selection which operates through the differential reproductive success of individual animals. If "surplus" males contributed nothing to future generations, either directly or indirectly through their relatives, such animals would be unlikely to perist in natural populations.

The removal of subadult males from populations of North Pacific fur seals has the immediate and obvious impact of reducing the number of males in the total population. Furthermore, if the harvest is in some way selective, it may inadvertently remove high quality, subadult males and thereby reduce the reproductive potential of future generations. Regardless, continued harvesting of subadult males may eventually alter the sex-ratio of the breeding population. Changes in the population sex-ratio may well have further, as yet poorly understood, implications for the North Pacific fur seal. Indeed, a recent paper by Vladimirov [2] identifies the harvesting of subadult males as a factor contributing to the decline in fur seal numbers on the Commander Islands during the last decade. Consistently, research on other mammals and on birds has found that, in the context of evolutionary ecology, the concept of "surplus" individuals in animal populations is scientifically untenable. Clearly, the continuing harvest of subadult male fur seals on St. Paul Island cannot be ruled out as a factor contributing to the current decline in fur seal abundance.

In contrast to the evidence presented above, the Environmental Impact Statement on the Interim Convention on Conservation of North Pacific Fur Seals [2] states (p. iii, and elsewhere - e.g. pp. 27, 28) that:

> "The reduced and declining status of the population is not thought to be a result of the current harvest of subadult males conducted under the Convention..."

This opinion appears to be accepted more on faith than on the weight of any available scientific evidence. Nonetheless, the Environmental Impact Statement also states (p. iii, and elsewhere) that:

> "There is also some preliminary evidence that discontinuing the harvest might impede a recovery to previous high levels of population."

Swartzman [4] recently attempted to test this hypothesis, but his results were equivocal (pp. 2-4). An alternative hypothesis, that cessation of the subadult harvest may eventually re-establish "natural" sex-ratios and possibly contribute to a reversal in the current decline in population abundance, has not been adequately addressed and cannot be rejected at this time. Today, as in the past, some fur seal populations do actually increase in numbers without the benefit of exploitation by man.

The management of North Pacific fur seals was considered by the Special Advisory Committee on Seals and Sealing (COSS) to the Canadian Minister of Fisheries in 1983 [1,5]. The Committee's initial recommendation [5] was:

> "...that because [North Pacific fur seals]...are apparently declining, the TAC [Total Allowable Catch] should be reviewed and, if necessary, reduced...to produce a stable herd. The TAC should be lowered to such a level that the population would not be at risk of further decline, even if this implies a zero quota."

Consistent with the Final Environmental Impact Statement [3], the Canadian Minister of Fisheries responded as follows [6]:

> "With regard to your recommendations concerning the Interim Convention on Conservation of the North Pacific Fur Seals...I am...perplexed at your recommendation concerning the possible reduction in harvest levels since, it is my understanding that the Standing Scientific Committee of the North Pacific

> Fur Seal Commission has, for the past several years, expressed the unequivocal view that the observed declines are unrelated to the present harvesting regime."

The reply of the Committee on Seals and Sealing speaks for itself [1]:

> "Our comments on the quota reduction for the west coast fur seals...was purely a cautious conservation strategy. **We find it hard to understand how a declining population could not be helped by reducing terminal exploitation.** The fact that the observed declines are believed to be unrelated to the present harvesting strategy seems to beg the question. If numbers in a population are declining and one reduction is though man's intentional harvesting, then termination of the latter would appear to be the easiest and most understandable technique to attempt to reduce the decline."

The preamble to the Interim Convention...states that the Parties desire,

> "...to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal populations can be brought to and maintained at levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the areas."

The Governments of Canada, Japan, The Union of Soviet Socialist Republics, and the United States of America in a statement accompanying the signing of the 1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals (12 October 1984) also noted that:

> "the North Pacific Fur Seal Commission ... has made an important contribution during the past quarter century to the conservation and management of North Pacific fur seal resources, and to the maintenance of a healthy ecosystem that includes such resources.

Further, they expressed

> "their intention to ratify or accept the 1984 Protocol...**in order to enable the Commission to continue its effective role in achieving the objectives of the Convention."**

Has the Commission really been effective in achieving the objectives of the Interim Convention? Lawyer Simon Lyster, in his recently published treatise, "International Wildlife Law" [7, p. 47] concluded that:

> "...The Interim Convention has not worked so well. It has neither achieved its objective of 'the greatest harvest year after year' nor maintained the high seal populations of the early 1950's. The annual harvest is half what it was twenty years ago and so is the size of the population, at least in the Pribilofs."

Lyster also suggested that [pp. 47-48]:

> "The real test of the Interim Convention may still lie ahead. Will the Commission have the ability and the willpower to identify the causes of the population decline and take the necessary measures to counteract them? **Will it end the annual commercial harvests on the basis that the benefit of any doubt as to the impact of any harvest should go to the seals rather than to the harvest until the populations recover?** If northern fur seal breeding grounds are targeted for oil and gas development, will the Commission be able to do anything about it? **These questions pose very real dilemmas, and the outlook for the northern fur seal may be rather gloomy unless they can be answered affirmatively."**

On this subject, I agree completely with the views expressed by Lyster [7] and by Canada's Committee on Seals and Sealing [1, 5]. Based on current knowledge of the biology of animal populations generally, and of the biology of North Pacific fur seals in particular, continued harvesting of subadult male, North Pacific fur seals on St. Paul Island in may well contribute to a further decline in population abundance. If the present trends continue, the population will decline by 50% in about 10 years. Given the seriousness of the situation and the uncertainty about the causes of the decline, there is only one immediate managment option available which **might** reverse the declining trend in population numbers - stop the killing of subadult male fur seals.

Such a decision would be entirely consistent with Article V(2)(d) of the Interim Convention which calls for a reduction or suspension of the harvest when fur seal populations fall below the level of maximum sustainable productivity. However, the North Pacific Fur Seal Commission has failed to invoke Article V(2)(d). Now, the decision essentially rests with the U.S. Senate. By voting against ratification of the Interim Convention, it can end the commercial harvest of subadult male, North Pacific fur seals on the Pribilof Islands. If it were to take this step, the outlook for the North Pacific fur seal might become a little less gloomy than it is today.

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[4]. Swartzman, G.L. 1984. Factors bearing on the present status and future of the eastern Bering Sea fur seal population with special emphasis on the effect of terminating the subadult male harvest on St. Paul Island. Report No. MMC-83/03. U.S. Marine Mammal Commission. Washington, D.C.

[5]. Letter from Professor K. Ronald, Chairman, Committee on Seals and Sealing to the Minister of Fisheries, Government of Canada, 18 July November 1983. 5 pp.

[6]. Letter from The Hon. Pierre De Bane, Minister of Fisheries, to Professor K. Ronald, Chairman, Committee on Seals and Sealing, 26 October 1983. 4 pp.

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Organizations Signing onto HSUS testimony before the Senate Foreign Relations Committee regarding the North Pacific Fur Seal Treaty

California

Friends of Wildlife
Monterey Park, CA

Monterrey Humane Society
Novato, CA

Peninsula Humane Society
San Matao, CA

Haven Humane Society
Redding, CA

San Francisco SPCA
San Francisco, CA

Santa Clara Humane Society
Santa Clara, CA

Santa Barbara Humane Society
Santa Barbara, CA

Connecticut

Pet Animal Welfare Society of Connecticut, Inc.
Green Farms, CT

Homeless Animals, Inc.
Southport, CT

Aid to Helpless Animals, Inc.
Bloomsfield, CT

Animals Rights Front
New Haven, CT 06520

Delaware

Animal League of Delaware, Inc.
Milford, DE

Kansas

Animal-Kind
Kansas City, KS

Kentucky

Louisville Audubon Society
Louisville, KY

Kentucky Humane Society
Louisville, KY

Minnesota

Friends of Animals and Their Environment
Minneapolis, MN

Nevada

Humane Society of Southern Nevada
Las Vegas, NV

Nevada Federation of Animal Protection Organizations
Las Vegas, NV

North Carolina

North Carolina Humane Federation
Winston-Salem, NC

Texas

Citizens for Animal Protection
Houston, TX

Vermont

Bennington County Humane Society, Inc.
Shaftsbury, VT

The Windham County Humane Society
Brattleboro, VT

Virginia

Virginia Federation of Humane Societies

Washington

Progressive Animal Welfare Society (PAWS)
Lynnwood, WA

Spokane Humane Society
Spokane, WA

Indiana

Karen Ronan
Humane Society of St. Joseph's County
South Bend, IN

Indiana (continued)

Knob and Valley Audubon Society of Southern Indiana
New Albany, IN

Boone County Humane Society
Lebanon, IN

Hub Humane Society, Inc.
Hammond, IN

Cass County Humane Society
Logansport, IN

Franklin County Humane Society
Cedar Grove, IN

Floyd County Humane Society
New Albany, IN

Decatur Humane Society
Greenburg, IN

Humane Society of Jackson County
Symore, IN

Henry County Humane Society
New Castle, IN

Randolph County Humane Society
Winchester, IN

Marshall County Humane Society
Plymouth, IN

Bloomington Animal Control
Bloomington, IN

Lawrence County Humane Society
Bedford, IN

Green County Humane Society
Jacksonville, IN

Brown County Humane Society
Nashville, IN

Davies County Humane Society
Washington, IN

Martin County Humane Society
Shoals, IN

Indiana (continued)

Perry County Humane Society
Tell City, IN

Knox County Humane Society
Vincennes, IN

Vanderburg Humane Society
Evansville, IN

League for Animal Welfare
Terre Haute, IN
Indiana (continued)

Terre Haute Humane Society
Terre Haute, In

Clay County Humane Society
Brazil, IN

Protective League of Sullivan County
Sullivan, IN

Tippecanoe County Humane Association
Lafayette, IN

Animal Welfare League of Fountain and Warren Counties
Attica, IN

North American Wildlife Park Foundation
Battle Ground, IN

Animal Welfare League of Montgomery County
Crawfordsville, IN

Elkhardt County Humane Society
Elkhardt, IN

Hancock County Humane Society
Greenvsille, IN

Porter County Animal Shelter
Valtaraiso, IN

Bartholomew Humane Society
Columbus, IN

Rush County Humane Society
Manilla, IN

Humane Society of Shelby County
Shelbyville, IN

Indiana (continued)

Humane Society of Hobart, Inc.
Hobart, IN

Marion and Grant County Humane Society
Marion, IN

Switzerland County Humane Society
Veray, IN

Washington County Humane Society
Salem, IN

Jefferson County Humane Society
Madison, IN

Delaware County Humane Shelter
Muncie, IN

Jay County Humane Society
Portland, IN

Stark County Humane Society
Knox, IN

Clinton County Humane Society
Frankfort, IN

Lake Shore Humane Society
Gary, IN

Huntington County Humane Society
Huntington, IN

Morgan County Humane Society
Martinsville, IN

Indianapolis Humane Society
Indianapolis, IN

Fort Wayne Humane Society
Fort Wayne, IN

Fulton County Humane Society
Rochester, IN

Clark County Humane Society
Jeffersonville, IN

Animal Shelter of Scott County
Scottsburg, IN

Indiana (continued)

Jennings County Humane Society
North Vernon, IN

Fayette County Humane Shelter
Connersville, IN

Wayne County Animal Welfare League
Richmond, IN

Madison County Humane Society
Anderson, IN

Protective Animal League
LaPorte, IN

Dekalb County Humane Society
Waterloo, IN

Senator **Murkowski**. Thank you very much, Dr. Grandy.

Ms. Boe. Or who is next?

STATEMENT OF YVONNE B. EIDER, WASHINGTON REPRESENTATIVE, FRIENDS OF ANIMALS

Ms. **Eider**. I am Yvonne Eider with Friends of Animals, and I request that my full statement be included in the record.

Senator **Murkowski**. Your entire statement will be entered into the record as if read.

Ms. **Eider**. Proponents of the North Pacific Fur Seal Treaty point to it as the most successful international conservation scheme of all time. This is what we hear over and over and over again, without any scientific evidence to back this contention.

We agree with the statement made by Douglas Chapman, scientific adviser to the Marine Mammal Commission, and I quote, "Man is not yet in a position to manipulate the ocean ecosystem to fill various niches with the species he desires."

The correctness of that statement is evident from the fact that our Nation has expended millions since 1911 on research and management of seals, the whole gamut of processes including the kill of 250,000 pregnant females from 1957 to 1968.

Since 1911 when the treaty was signed, we can point to two times when the population of seals rose sharply. The first time was after the 5-year moratorium on all seal killing, both on land and at sea, after the treaty was signed. The second great population rise occurred when the entire Pribilof community was evacuated to mainland Alaska during World War II where the remained from 1941 until after the war. During those years, there was again no harvest on land or at sea, and the population rose sharply and in 1947 was reported to be near 3 million. Seventy-four years of management has brought only declines in the population except where war and moratorium allowed no kill.

We join the proponents in concern for the Natives of the Pribilofs. However, this should and must be separated from whether or not the treaty should be renewed. We do not disagree with the attitude of great despair being demonstrated among the Aleuts. Mr. Tillian, Deputy Fur Seal Commissioner, stated a while back at a meeting, and I quote, "Many of them have an inferiority complex. The only thing that the Pribilof Natives can do better than anybody else is harvest seals."

Unfortunately, there are millions of Americans in similar straits. Coming from a farm background, I have firsthand knowledge of the deep despair in farming communities. I know farmers who know nothing but farming but are being forced from the only way of making a living they know. We read everyday about people such as the rubber workers in Akron, the steel workers in Pittsburgh who have been laid off from the only employment they have ever known. Many never again will be gainfully employed.

In many respects the people of the Pribilofs are better off. They have been given many benefits. For instance, under the Fur Seal Act of 1983, the Congress placed them under our civil service retirement system. This coverage was made retroactive to 1952, and they were given a full year of credit for any portion of the year they worked. According to OPM just this week, 61 annuitants or surviving spouses are currently drawing retirement benefits, and the average annuity is $14,000 annually. I think here it is important to bear in mind that there are 140 families total.

On the entanglement issue, I would have pretty much to say what Patty said, so I will just include that we feel the place to deal with entanglement is under our fishery agreements. And I am attaching a list of all of our agreements for the record. In addition, the United States placed the entanglement issue on the United Nations agenda.

Another subject I would like to touch on briefly is the subsistence kill. We are totally opposed to a wasteful kill, and the Marine Mammal——

Senator **Murkowski**. I am sorry. I did not hear that. You are totally opposed to?

Ms. **Eider**. A wasteful kill.

Senator **Murkowski**. Wasteful kill.

Ms. **Eider**. And the Marine Mammal Protection Act calls for no wasteful kill. There are figures being mentioned for subsistence from the low hundreds to 16,000. The 16,000 would perhaps be a figure if only the foreflippers, which are considered a delicacy, were consumed, and this without question would be considered wasteful when most of the carcass and organs are edible.

As the Natives move away from sealing into their new industries, they are going to be depending more and more upon their supermarket where they now buy the very same kinds of foods we do.

In closing, we feel that this is purely a commercial treaty in conflict with the ecological principles of the Marine Mammal Protection Act.

[Ms. Eider's prepared statement follows:]

STATEMENT OF YVONNE B. EIDER

FRIENDS OF ANIMALS' COMMITTEE FOR HUMANE LEGISLATION

I am here representing Friends of Animals' Committee for Humane Legislation to urge the members of the Foreign Relations Committee not to extend the Interim Convention on the Conservation of the North Pacific Fur Seals.

We are opposed to renewal of the treaty because "management" of the seals has failed; the needs of the Aleuts are being met; research, when needed, will be provided under the Marine Mammal Protection Act; the treaty is not the logical place to deal with the entanglement issue; the threat that any nation will again seal pelagically has absolutely no credibility; and based upon what has been reported from the meetings at which these four nations sit, there is little gained internationally.

MANAGEMENT. Proponents of the North Pacific Fur Seal Treaty point to it as the most successful international conservation scheme of all time. This is what we hear over and over and over again. We hear this over and over without one shred of scientific evidence to back this contention.

We agree with the statement made by Douglas G. Chapman, Chief Scientific Advisor to the Marine Mammal Commission, concerning wildlife management when he said, "Man is not yet in a position to manipulate the ocean ecosystem to fill various niches with the species he desires." The correctness of that statement is evident from the fact that our nation has expended millions since 1911 on research and management of the seals, the whole gamut of processes, including the kill of females, aimed at obtaining an ever larger "maximum sustained yield." This management scheme from 1957 to 1968 called for the "taking" of 250,000 pregnant females, their 250,000 new pups who died of starvation because the mothers only nurse their own young and the 250,000 unborn pups. This scheme is now considered to have played a significant part in the reduction of the population to the dangerously low level of today. In connecton with this kill of females, I append a page from a 1968 National Marine Fisheries Service report and call your attention to the fact that a moratorium on the kill of seals during World War II, both at sea and on land, occasioned such an extensive revival of the population that the managers felt compelled to reduce that "high population" by killing females. The attachment indicates that females were killed for 13 years "with the expectation that a smaller population would yield larger kills." There is no evidence or even a suggestion that the high population of the 1950s was endangering the ecosystem.

Since 1911 when the treaty was signed we can point to two times when the population of fur seals rose sharply. The first time was after the five-year moritorium on all seal killing, both on land and at sea, after the treaty was signed. The second great population rise occurred when the entire Pribilof community was evacuated to mainland Alaska during World War II where they remained from 1941 until after the War. During those years there again was no "harvest" on land or at sea and the population rose sharply and in 1947 was reported to be nearly 3 million. At the same time there was reported to be a very large fish population which can be accounted for by the absence of over-fishing.

The proponents like to point to humane groups as basing their position on emotions. In my observations of the past few years there is no less emotionalism displayed by the "managers." Their cry is that to kill animals is to save them. Unfortunately, their current management scheme which requires the killing of three and four year old males also has no scientific backing. According the the National Advisory Committee on Oceans and Atmosphere (NACOA) report on the North Pacific Fur Seals, (March 1985), "The state of scientific knowledge today does not provide balanced evidence on whether a "harvest" accelerates or slows the fur seal population decline." According to all current estimates the population is declining at an annual rate of up to 8%. However, Mr. Clement Tillion, Deputy U.S. Commissioner to the North Pacific Fur Seal Commission, who supports the "managers" still states "I feel that the Pribilof herds, if you continue to harvest under the old management, will start showing ~~a return~~ very soon." We think the time has definitely come when we must look to the constant decline and say that it is time to stop the kill on land and let the depleted population build rather than to continue this scheme until total extinction.

NEEDS OF THE ALEUTS. We join the proponents in concern for the natives of the Pribilofs. However, this should and must be separated from whether or not the treaty should be renewed. We do not disagree with the attitude of great despair being demonstrated among the Aleuts. Mr. Tillion stated a while back at a meeting I attended that, "Many of them have an inferiority complex--the only thing that Pribilof natives can do better than anybody else is harvest seals." Unfortunately, there are millions of Americans in similar straits. Coming from a North Dakota farm background I have firsthand knowledge of the deep despair in farming communities across this land. I know farmers who know nothing but farming but are being forced from the only way of making a living they know. We read every day about people such as the rubberworkers in Akron, the steelworkers in Pittsburg, the International Harvester workers in Indiana, the lumberjacks in the West, who have been laid off from the only employment they have ever known. Many never again may be gainfully employed. However, in many respects the people of the Pribilofs are much better off. The Congress of the United States has put in place a $20 million trust fund in place for them to provide alternate means of making a living and these alternatives are being developed. They have been provided with millions of federal dollars from the Alaska Native Claims Settlement, the Indian Claims Settlement and much more. In addition, under the Fur Seal Act of 1983, the Congress placed the Aleuts under our Civil Service Retirement System. This coverage was made retroactive to 1952 and they were given a full year of credit for any portion of a year they worked. Many of these people worked only the five weeks of the kill. According to the Office of Personnel Management just this week, 61 annuitants or surviving spouses are currently drawing retirement benefits and the average annuity is $14,000.00 annually. There are a few more eligible participants who are in the process of completing their paperwork. I think here it is important to bear in mind that there are 140 families total on these Islands and there are at present 61 retirees or spouses of retirees drawing retirement benefits.

Progress in connection with turning to fishing and processing is reported to be going very well. Mr. Carmen Blondin, of the National Marine Fisheries Service, at a meeting last September reported on halibut processing at a St. George plant. He said, "the quality of fish that was coming out of that plant was absolutely first rate and that it was a pleasure to watch the people, most of them young, working really long and hard hours." At this same meeting he also pointed to increased tourism business. While we have many questions about the oil activity in the area, we must point out that there are many construction jobs to be filled with the construction of the multi-million dollar harbor on Saint Paul's as well as the $3 million helicopter base and support camp to be used for oil companies.

RESEARCH. Legitimate research will be provided under the Marine Mammal Protection Act. Mr. Tillion, of the North Pacific Fur Seal Commission, stated at a September, 1984, meeting that "you've got almost a hundred years of onshore stuff." We question whether or not continuing to cut them open and examine them after all of these years of doing so will produce much valuable new information.

ENTANGLEMENT. Great emphasis has been placed on the entanglement issue as a reason for renewal of the North Pacific Fur Seal Treaty. Proponents point to a Statement of Concerns that was attached to the Protocol when it was sent to the Foreign Relations Committee. Mr. Arnaudo, of the State Department, was asked at a meeting a few months ago if this Statement was part of the Protocol. His response was that "no' these were concerns to the other three governments but not great enough concerns to make this part of the Protocol. In a Commerce Department document we find, "Although the United States places much interest on entanglement as a factor in population decline, a questioning attitude from Japan, Canada and the Soviet Union is evident in the most recent Commission meeting. At the April 1984 Fur Seal Commission meeting, the Standing Scientific Committee recommended that the Commission sponsor an international workshop on entanglement. The recommendation was rejected."

It is our belief that the place for the U.S. Government to be dealing with the entanglement issue is within "International Fishery Agreements of the United States." Attached to my testimony is a chart of the various bilateral and multilateral fishery agreements which appear to be currently in force of the United States and the duration of each instrument where specified.

In addition, the United States placed the entanglement issue on the United Nations agenda.

PELAGIC SEALING. Today, the pelagic argument has absolutely no credibility. Although the Japanese have stated that they may go back to pelagic sealing should the treaty not be renewed, the facts show that threat to be an empty one. Seals spend the major portion of their time migrating within the 200-mile boundary of the United States assuring them complete protection under the Marine Mammal Protection Act. Those that do go beyond the limit are sighted out there singly and at most in pairs and then with great infrequency. Because of the high price of fuel to power ships and the ever-declining price paid for seal pelts, as well as the greatly diminished seal population, no nation is currently engaged in pelagic sealing. If it were profitable, why wouldn't non-participatory nations to the treaty like Korea, Taiwan, Poland, etc. be out there sealing? There has also been concern expressed up here on a stretch in the migration pattern where females are presumably vulnerable in their trip up the West Coast to the Pribilofs. It is true that there is a small stretch where there would perhaps be a problem if once again they did not swin through this area either singly or at most in pairs. Again it would not be a profitable venture for anyone.

Another subject I would like to touch on briefly is the subsistence kill. We are totally opposed to a wasteful kill and the Marine Mammal Protection Act calls for no wasteful kill. There are figures being mentioned for subsistence from the low hundreds to 16,000. The 16,000 would perhaps be the figure if only the foreflippers, which are considered a delicacy, were consumed and this without question would come under the wasteful provision of the Act since most of the carcass and organs are edible. After studying the National Oceanic and Atmospheric Administration document dated June 1984 on chemical contaminants in Marine Mammals, it is indeed questionable whether the natives should be eating these animals at all for health reasons. They have been found to have high levels of PCBs, DDT, mercury and other chemicals. In addition, as the natives move away from sealing into their new industries, they are going to be depending more and more upon their supermarket where they now buy the very same kinds of food we do when we go to the market.

In closing, we feel this purely a commercial treaty in conflict with the ecological principles of the Marine Mammal Protection Act. We feel there is little question but that natural management should now be put into place by non-renewal of the treaty since the 74 years of management have brought only declines in the fur seal population except where moritorium and war allowed no kill. We are not alone in this urgent request. In a recent survey done by Doyle, Dane and Bernbach, it was found that 85% of the American people share these concerns.

Fur Seal Investigations, 1968

by

NATIONAL MARINE FISHERIES SERVICE
MARINE MAMMAL BIOLOGICAL LABORATORY
Sand Point Naval Air Station
Seattle, Washington 98115

ABSTRACT

Field investigations in 1968 were made on the Pribilof Islands from June to October, in Washington waters in November-December 1967 and January-February 1968, and in Alaska waters from May to August 1968. Data were collected during these periods for studies of population levels and the maximum sustained yield, and the distribution, feeding habits, migrations, and pregnancy rates of fur seals.

In 1968, 45,625 male and 13,335 female fur seals (*Callorhinus ursinus*) were killed on the Pribilof Islands.

Dead fur seals counted included 31,438 pups and 350 animals older than pups.

The major causes of death among 379 pups were malnutrition, hookworm disease, trauma, infections, and perinatal complex.

We estimated that the Islands had 7,924 harem and 4,383 idle males in mid-July.

Pregnancy rates of females were 42 percent for 1,058 from hauling grounds in 1968 and 100 percent for 221 from rookeries in 1957.

The average weights of the pups were 9.6 kg. for males and 8.3 kg. for females.

Seals tagged included 11,675 pups regardless of sex, 714 males estimated to be yearlings, and 1,495 males estimated to be 2 years old.

Of the marked seals recovered, 3,946 had been given tags or other marks as pups and 1,197 had been tagged at age 1 or older.

Tag loss apparently is highest soon after tagging.

The recovery rate for pups tagged in September has been higher than that for pups tagged in August.

Pups marked by removing parts of flippers apparently have a higher survival rate than pups that have been given tags and flipper marks.

Two different methods of estimating populations yielded similar values (400,000 and 350,000) for the number of pups born in 1965. The pup population estimates decreased annually since 1960 to less than 400,000 in 1965.

Estimates of the number of yearling males for several year classes are 82,000 (1961), 79,000 (1962), 115,000 (1964), and 80,000 (1965).

After the kill in 1966, the population still included 25,000 3-year-old males from the 1963 year class and 70,000 2-year-old males from the 1964 year class.

The predicted kill of males in ages 2 to 5 was 49,000 for 1968 and is 56,000 for 1969. The actual kill in 1968 was 44,162.

The recovery rate of young males tagged and recovered in 1968 was higher for those marked in June than for those marked in July. The recovery rate for seals tagged on hauling grounds inaccessible to the kill was less than that for seals tagged on accessible hauling grounds. One of ten transmitters attached to seals emitted signals for 9 days.

Nearly all of 250 adult males killed from rookeries were age 10 or older, but 58 percent of 100 adult males killed from hauling grounds were less than 10 years.

Researchers took 374 seals off Washington and 456 in Alaska waters; 38 of these seals had tags or other marks. About 50 percent of the female seals taken were from 1 to 7 years old.

The principal fishes eaten by fur seals off Washington were salmon, *Oncorhynchus* spp.; anchovy, *Engraulis mordax*; rockfish, *Sebastodes* spp.; eulachon, *Thaleichthys pacificus*; and capelin, *Mallotus villosus*. The principal foods consumed in Alaska waters were walleye pollock, *Theragra chalcogrammus*; squids, Cephalopoda; and Atka mackerel, *Pleurogrammus monopterygius*.

INTRODUCTION

The year 1968 marks an important step in studies of the Pribilof Islands fur seal population.

Now, 13 years after we first began to reduce the seal population with the expectation that a smaller population would yield larger kills and more stability, we are ready to let it increase in size. The high population of the 1950's has been reduced and held at nearly the same level since 1963. An estimate of the mean kill of males from the year classes at this lower population level and the size of fluctuations to be expected in the kill will be determined from collections of data completed by 1972.

The next step will be to find the productivity of the population when it reaches a new, higher level.

Information about marked seals continues to upset any of our previous notions about the purity of separate populations in the North Pacific. A small colony of seals that produced young in 1968 on San Miguel Island, off the coast of California, included marked animals from the Pribilof and Commander Islands. A male seal marked in late June 1968 on the Pribilof Islands was taken on the Commander Islands within a month.

Part I, on land investigations, was prepared by Raymond E. Anas, Douglas G. Chapman (Director of the Center for Quantitative Analysis, University of Washington), Ancel M. Johnson, Mark C. Keyes, Alton Y. Roppel, and Ford Wilke.

Part II, on pelagic studies, was contributed by Clifford H. Fiscus and Hiroshi Kajimura.

Part I. FUR SEAL INVESTIGATIONS, PRIBILOF ISLANDS, ALASKA, 1968

The purpose of fur seal research on the Pribilof Islands is to appraise the reaction of the herd to population levels purposely adjusted so that the level of maximum sustained yield can be calculated. Part I of this report summarizes the information collected in 1968 and describes the progress made toward the achievement of this goal. The glossary describes terms having special meanings in fur seal research, figures 1 and 2 show the location of rookeries and hauling grounds on St. Paul and St. George Islands, and Appendix B lists persons engaged in fur seal research on the Pribilof Islands in 1968. In this report, "Pribilof Islands" includes St. Paul and St. George Islands and, occasionally, Sea Lion Rock. There are no fur seal rookeries on Walrus and Otter Islands, two of the five islands belonging to the Pribilof group.

AGE CLASSIFICATION AND NUMBER OF SEALS KILLED BY SEX

Seals of both sexes were taken on the Pribilof Islands from 26 June to 16 August 1968; males were killed primarily from 26 June to 2 August, and females from 3 to 16 August.

MALES

All available males 42 inches (107 cm.) long or longer from tip of nose to tip of tail, but without manes, were taken from 26 June to 2 August on St. Paul Island and from 26 June to 5 August on St. George Island. The animals were killed beginning at 6 a.m. Monday through Saturday on St. Paul Island and at 9 a.m. on Mondays, Wednesdays, and Fridays on St. George Island.

The lower length limit for male seals was removed on St. Paul Island from 22 to 26 July to continue a study of the relation of abundance of seals at age 2 to the number killed from the same year class a year later at age 3.

Efforts to increase the utilization of males were carried out primarily by taking as many as possible of the large 4-year-olds during the kills of males on both islands. Seals on Zapadni Point were frightened away once in an attempt to make the animals haul out on an area accessible to the kill.

Table 1 gives the kills of male seals on the Pribilof Islands from year classes 1947 to 1966.

Right upper canine teeth collected from 20 percent of the males killed on the Pribilof Islands in 1968 were used to estimate the age composition of the total kill. A kill of 44,292 males in ages 2 to 6 included 35,292 taken on St. Paul Island and 9,000 taken on St. George Island (tables A-1 to A-4). Ages were not determined for an additional 1,333 young males taken during the kill of females 3-16 August, though most of the animals were probably 3 to 4 years old. The seasonal trend in the availability of 3- and 4-year-old males killed is given in figure 3 for St. Paul Island and in figure 4 for St. George Island.

On the basis of tests of reader ability to determine the ages of seals from canine teeth (Marine Mammal Biological Laboratory, 1969) the age compositions were adjusted to show the

Congressional Research Service
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April 8, 1985

TO : [redacted]

FROM : American Law Division

SUBJECT : Duration of International Fishery Agreements of the United States

Reference is made to your inquiry concerning the above-captioned subject.

The attached chart identifies the various bilateral and multilateral fishery agreements which appear to be currently in force for the United States and the duration of each instrument where specified. While every effort has been made to identify all currently operative fishery agreements, it should be noted that the Treaty Division of the Department of State (632-1047) contains information concerning any recent agreements which are not listed in generally available treaty indices and which, accordingly, may not be reflected in the attached chart.

David M. Sale

David M. Sale
Legislative Attorney
American Law Division

Congressional Research Service
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Washington, D.C. 20540

DURATION OF INTERNATIONAL FISHERY AGREEMENTS OF THE UNITED STATES

David M. Sale
Legislative Attorney
American Law Division
April 8, 1985

DURATION OF INTERNATIONAL FISHERY AGREEMENTS OF THE UNITED STATES

International Agreement	Duration
I. Multilateral Agreements	
Convention on Fishing and Conservation of Living Resources of the High Seas, April 29, 1958, 17 U.S.T. 138.	Not specified.
Amended Agreement for the Establishment of the Indo-Pacific Fisheries Council, November 23, 1961, 13 U.S.T. 2511.	Terminates if and when the number of Members of the Council drops below five unless the remaining Members of the Council unanimously decide otherwise. Article XIV.
Convention for the Establishment of an Inter-American Tropical Tuna Commission, with exchange of notes of March 3, 1950, May 31, 1949, 1 U.S.T. 230.	No period of duration is specified, although any Party to the Convention may give notice of its intent to denounce at any time after the expiration of ten years from the date the Convention enters into force. Article V (4).

International Agreement	Duration
International Convention for the High Seas Fisheries of the North Pacific Ocean, May 9, 1952, 4 U.S.T. 380.	Remains in force until one year from the day on which a Party gives notice of an intention to terminate, whereupon the Convention terminates as to all Parties. Article XII (1), 30 U.S.T. 1095.
Amendment: November 17, 1962, 14 U.S.T. 953.	
Amendment: April 25, 1978, 30 U.S.T. 1095.	
International Convention for the Conservation of Atlantic Tunas, May 14, 1966, 20 U.S.T. 2887.	Remains in force for ten years and thereafter until a majority of the Parties agree to terminate. Article XII (1).
Convention for the Conservation of Salmon in the North Atlantic, March 2, 1982, T.I.A.S. 10789.	No period of duration is specified but any Party may denounce the Convention by giving prescribed notice. Article 20 (1).
Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, October 24, 1978, Ex. T, 96th Cong., 1st Sess. (1979), approved by Senate on July 27, 1983, U.S. accession expected in 1985.	No period of duration is specified, although any Party may withdraw from the Convention upon giving notice within specified time periods. Article XXIV.

International Agreement	Duration
Eastern Pacific Ocean Tuna Fishing Agreement, March 15, 1983, Treaty Doc. No. 98-3, approved by Senate on July 27, 1983, not yet in force.	After entry into force, the Agreement is to be suspended for such time as there are fewer than five Parties, but the Agreement shall not terminate. Article XI.
Convention for the Regulation of Whaling, September 24, 1931, 49 Stat. 3079.	No period of duration is specified, although a Party may denounce the Convention upon giving prescribed notice. Article 19.
International Convention for the Regulation of Whaling, December 2, 1946, 62 Stat. 1716.	No period of duration is specified, but a Party may withdraw from the Convention upon giving prescribed notice. Article XI.
Protocol to the International Convention for the Regulation of Whaling, November 19, 1956, 10 U.S.T. 952.	Not specified.
Amendments: The Schedule of Whaling Regulations to the 1946 International Convention for the Regulation of Whaling (62 Stat. 1716) has been amended annually since 1949.	
II. Bilateral Agreements	
American Institute in Taiwan/Coordination Council For North American Affairs.	
Agreement concerning Fisheries off the Coasts of the United States, June 7, 1982. (File Copy).	Remains in force until July 1, 1987, unless extended. Article XVI(1).

International Agreement	Duration
Country:	
Bulgaria	
Agreement concerning Fisheries off the Coasts of the United States, September 22, 1983, T.I.A.S.____.	Remains in force until July 1, 1988, unless extended. Article XVII(1).
Canada	
Agreement adopting, with certain modifications, the rules and method of Procedure recommended in the Award of September 7, 1910, of the North Atlantic Coast Fisheries Arbitration, July 20, 1912, 37 Stat. 1634.	Not specified.
Convention for the Extension to Halibut Fishing Vessels of of Port Privileges on the Pacific Coasts of the United States of America and Canada, March 24, 1950, 1 U.S.T. 536.	Continues in effect for one year and indefinitely thereafter, but a Party may terminate upon giving prescribed notice. Article IV.
Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, March 2, 1953, 5 U.S.T. 5.	Continues in effect for five years and indefinitely thereafter unless a Party terminates upon giving prescribed notice. Article V.
Amendment: March 29, 1979. T.I.A.S. 9855.	The Convention remains in effect until March 31, 1981, and thereafter until either Party terminates upon giving prescribed notice. Article VII.

International Agreement	Duration
Convention on Great Lakes Fisheries, September 10, 1954, 6 U.S.T. 2836.	Continues in effect for ten years and indefinitely thereafter unless a Party terminates upon giving prescribed notice. Article XIII (2) and (3).
Amendment: April 5, 1966 and May 19, 1967, 18 U.S.T. 1402.	Not specified.
Agreement concerning Fishing off the West Coast of Canada, March 29, 1979, 30 U.S.T. 4067.	Not specified.
Treaty on Pacific Coast Albacore Tuna Vessels and Port Privileges, May 26, 1981, T.I.A.S. 10057.	No period of duration is specified, but a Party may terminate the treaty upon giving prescribed notice. Article VIII.
Treaty Concerning Pacific Salmon, January 28, 1985, T.I.A.S. ___, Treaty Doc. No. 99-2, 99th Cong., 1st Sess. 1985.	At the end of the third year after entry into force and at any time thereafter, either Party may give notice of its intention to terminate and treaty shall terminate one year after notification. Article XV(2).
Columbia	
Treaty concerning the Status of Quita Sueno, Roncador, and Serrana, with exchange of notes, September 8, 1972, T.I.A.S. 10120.	Remains in force indefinitely unless terminated by agreement by both Parties. Article 9.
Agreement on Certain Fishing Rights in Implementation of the Treaty and Exchange of Notes of September 8, 1972, (T.I.A.S. 10120), October 24 and December 6, 1983, T.I.A.S._____.	Not specified.

International Agreement	Duration
Denmark Agreement concerning Faroese Fishing in Fisheries off the Coasts of the United States, June 11, 1984, T.I.A.S._____.	Remains in force until July 1, 1989 unless extended. Article XVI(1).
European Economic Community Agreement concerning Fisheries off the Coasts of the United States, October 1, 1984, T.I.A.S.______.	Remains in force until July 1, 1989, unless extended. Article XIX(1).
German Democratic Republic Agreement concerning Fisheries off the Coasts of the United States, April 13, 1983, T.I.A.S. 10687.	Remains in force until July 1, 1988, unless extended. Article XVII(1).
Iceland Agreement concerning Fisheries off the Coasts of the United States, September 21, 1984, T.I.A.S.____.	Remains in force until July 1, 1989, unless extended. Article XVI (1).
Japan Agreement relating to the Salmon Fishing in Waters Contiguous to the United States Territorial Sea, December 24, 1974, 25 U.S.T. 3203.	Not specified.

International Agreement	Duration
Memorandum of Understanding relating to the Protocol of April 25, 1978, amending the International Convention for the High Seas Fisheries of the North Pacific Ocean, as amended (T.I.A.S. 9242), June 3, 1981, T.I.A.S. 10164.	Agreement is intended to cover the period until June 9, 1984, and as long as the Japanese gillnet salmon fishing vessels are permitted to fish in the United States Fishery Conservation Zone. Introductory Paragraph.
Agreement concerning Fisheries off the Coasts of the United States, September 10, 1982, T.I.A.S. 10480.	Remains in force until December 21, 1987, unless extended. Article XVII.
Agreement concerning an International Observor Scheme for Whaling Operations from Land Stations in the North Pacific Ocean, May 2, 1975, 26 U.S.T. 1009.	Remains in force until February 29, 1976. *Article 6.*
Extension: March 30, 1982, T.I.A.S. 10366.	Current extension remains in force until March 31, 1986.
Extension: March 16, 1984, T.I.A.S.___.	
Agreement concerning Commercial Sperm Whaling in the Western Division Stock of the North Pacific, November 13, 1984, T.I.A.S. ______.	Remains in force through 1987 whaling season subject to specified contingencies involving action by Japan.

International Agreement	Duration
Korea	
Agreement concerning Fisheries off the Coasts of the United States, July 26, 1982, T.I.A.S. 10571.	Remains in force until July 1, 1987, unless extended. Article XVI(1).
Norway	
Agreement concerning Fisheries off the Coasts of the United States, January 26, 1981, T.I.A.S. 10077.	Remains in force until July 1, 1985, unless extended. Article XVI.
Poland	
Agreement concerning Fisheries off the Coasts of the United States, August 2, 1976, 28 U.S.T. 1681.	Remains in force until July 1, 1982, unless terminated sooner by either Party by giving prescribed notice. Article XVI.
Extension: April 12 and 21, 1983, T.I.A.S. 10697. Extension: March 7 and 30, 1984, T.I.A.S.____.	Current extension remains in force until December 31, 1985. Pub. L. 98-364, § 105, 98 Stat. 440, 442.
Portugal	
Agreement concerning Fisheries off the Coasts of the United States, October 16, 1980, T.I.A.S. 9929.	Remains in force for five years (i.e., March 4, 1986) unless extended. Article XVI(1).

International Agreement	Duration
Spain	
Agreement concerning Fisheries off the Coasts of the United States, July 29, 1982, T.I.A.S. 10581.	Remains in force until July 1, 1987, unless extended. Article XVIII(1).
Soviet Union	
Convention regarding Navigation, Fishing, and Trading on the Pacific Ocean and along the Northwest Coast of America, April 17, 1824, 8 Stat. 302.	Not specified.
Agreement relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, February 21, 1973, 24 U.S.T. 669.	Remains in force for two years and thereafter until terminated by one of the Parties by giving prescribed notice, provided that the Agreement is to continue in effect pending conclusion of conciliation or arbitration proceedings instituted prior to termination, unless otherwise agreed by the Parties. Article XIII.
Amendment: February 26, 1975, 26 U.S.T. 167.	Not specified.
Protocol to the Agreement of February 21, 1973 (24 U.S.T. 669), relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, June 21, 1973, 24 U.S.T. 1588.	Remains in force during the period of validity of the underlying Agreement of 1973 (24 U.S.T. 669). Paragraph 6.

International Agreement	Duration
Agreement concerning Fisheries off the Coasts of the United States, November 26, 1976, 28 U.S.T. 1847.	Remains in force until July 1, 1982, unless terminated sooner by either Party by giving prescribed notice. Article XV(1).
Extension and Amendment: April 22, 19, and May 3, 1982, T.I.A.S. 10531; April 8 and 20, 1983, T.I.A.S. 10696; February 23 and April 11, 1984, T.I.A.S._____.	Current extension remains in force until December 31, 1985, Pub. L. 98-364, § 105, 98 Stat. 440, 442.
United Kingdom	
Agreement Adopting, with certain Modifications, the Rules and Method of Procedure Recommended in the Award of September 7, 1910, of the North Atlantic Coast Fisheries Arbitration, July 20, 1912, 37 Stat. 1634.	Not specified.
Reciprocal Fisheries Agreement, March 27, 1970, T.I.A.S. 10545.	No period of duration is specified, but either Party may terminate by giving prescribed notice. Article VII.

David M. Sale

David M. Sale
Legislative Attorney
American Law Division
April 18, 1985

Senator MURKOWSKI. Thank you very much, Ms. Eider.

Ms. Wallace.

STATEMENT OF NANCY WALLACE, WASHINGTON REPRESENTATIVE, ANIMAL PROTECTION INSTITUTE

Ms. WALLACE. Thank you, Mr. Chairman.

My name is Nancy Wallace. I come before you today representing the views of the Animal Protection Institute of America, a California-based animal protection organization with over 180,000 members nationwide. I ask that my statement be entered into the record.

Senator MURKOWSKI. It will be entered in the record as if read.

Ms. WALLACE. Thank you.

I urge you to reject the Interim Convention on Conservation of North Pacific Fur Seals. The Convention no longer serves the purposes for which it was intended. It cannot protect the depleted and declining northern fur seal population from the commercial harvest within the treaty, and it cannot protect the seals from the major new threats outside the treaty.

We believe one of the major causes of the decline is the Convention itself. The Alaska Pribilof seals have recovered only twice from severe overharvesting and population declines—once in the middle of the last century and once in the beginning of this century. Both turnarounds occurred only after moratoriums were instituted on all harvesting. There has never been a reversal of decline and return to optimum levels while any harvest, including a bachelor male harvest, was taking place.

Considering this historical evidence and the continuing present-day population decline, it is clear that a complete end to the harvesting on the Pribilof Islands is required at this time.

The populations on all Soviet and American islands without harvest are increasing. The U.S. Government disagrees with this observation, citing the Pribilofs St. George population as unharvested and declining. In reality, harvesting has taken place on St. George for the past 8 years during the 12-year period of this study at a rate of 5 to 13 percent of a full commercial harvest. This harvest has taken place over the objection of the American scientists conducting the St. George study. It is not surprising, then, that considering the historical record, the Government finds the population declining.

Today, we have a new generation of international conservation agreements capable of helping the northern fur seal. These include the London Dumping Convention with its prohibition on the dumping of persistent plastics and fishing debris already in force for 60 nations, including the four party governments to the Interim Convention. This and other agreements bear directly on the northern fur seals, and API wholeheartedly supports them.

The Interim Convention is the only international agreement of this type we have ever opposed. The Convention continues to exist for only one purpose: A commercial harvest. Accordingly, the Animal Protection Institute of America and its nationwide membership urges you to reject ratification of the Interim Convention on Conservation of North Pacific Fur Seals.

This testimony is endorsed by the Fund for Animals and The American Humane Association.

Mr. Chairman, I would like to address two points raised earlier today. The first is entanglement. Two months ago when I was in Tokyo at the Fur Seal Commission meeting on the U.S. delegation, I heard U.S. Fur Seal Commissioner Carmen Blondin state in plenary session the Fur Seal Commission cannot solve the entanglement problem. We agree.

This morning I heard Senator Stevens indicate the commission had been actively involved in the introduction of biodegradable material into fishing nets for the four-party governments. To my knowledge this has not occurred nor has it been discussed at any of the international meetings or U.S. policy meetings during the past 4 years.

Instead, unfortunately last year the North Pacific Fur Seal Commission refused a U.S. Government request to endorse the U.S.-funded International Scientific Conference on research needs of the entanglement problem.

Last year I also testified on this subject before the Senate Commerce committee with regards to the Marine Mammal Protection Act [MMPA] reauthorization. We requested additional funding and authorization for research and action to solve this problem. It was granted under MMPA, and it was not carried out or granted under the convention's implementing authorization the Fur Seal Act. In fact, the Commission this year seemed to find the entanglement problem and other difficulties threatening the fur seal so minimal that they decided before the meeting began to reduce the number of sessions from 5 to 4 days.

The second point I would like to address is research. All of the research done at this time on the northern fur seal in connection with the treaty, which, by the way, does not encompass all the research done on the fur seal, can be done without the treaty. There is no provision within the treaty which is necessary to scientific data, collect on activities involved in research.

The majority, in fact, the overwhelming majority of papers submitted over the past several years to the Fur Seal Commission have been by the United States. The future of these research efforts is of course, completely under the control of congressional funding and American political will.

There are over 2,000 monographs on the northern fur seal species at this time. Yet, the scientists and their research cannot stop the decline nor tell us what action should be taken to reverse the decline.

We have bilateral research agreements on other marine mammal species such as walrus and ringed seals with the Soviet Union. We have come before Congress previously before to request northern fur seal research funding outside the Interim Convention, and we will continue to work for this funding for the fur seal population.

I would be glad to answer any questions on these topics.

[Ms. Wallace's prepared statement follows:]

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TESTIMONY

BEFORE

THE U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

ON THE

INTERIM CONVENTION ON THE CONSERVATION

OF NORTH PACIFIC FUR SEALS

JUNE 13, 1985

SUBMITTED BY

NANCY WALLACE

ANIMAL PROTECTION INSTITUTE OF AMERICA

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API IS A NONPROFIT TAX-EXEMPT ORGANIZATION
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I am Nancy Wallace. I come before you today representing the views of the Animal Protection Institute of America, a California-based animal protection organization with over 180,000 members nationwide.

On behalf of the Animal Protection Institute, I urge you to reject the Interim Convention on the Conservation of North Pacific Fur Seals. This Convention no longer serves the purposes for which it was intended. It cannot protect the depleted and declining northern fur seal population from commercial harvest within the treaty, and it cannot protect the seals from the major new threats outside the treaty.

As the growing body of evidence demonstrates, survival of the northern fur seal species is a most critical problem. To date, the northern fur seal population has sunk to alarmingly low levels - to 30% or less of its original population. In fact, the population is below the Optimum Sustainable Population of the Marine Mammal Protection Act, the threshold for determining depletion. In early 1985, the Marine Mammal Commission recommended to the U.S. Department of Commerce that northern fur seals be listed as a threatened species. The population has declined for 23 of the past 29 years of the Interim Convention, and continues to decline at a rate of approximately 6% per year. We believe one of the major causes of the decline is the Convention itself.

I. Harvest Under the Convention

Out of concern for marine mammals worldwide, the U.S. Congress passed landmark legislation in 1972, the Marine Mammal Protection Act (MMPA). As a result, a moratorium was placed on all marine mammal commercial harvests based on a finding that "there is inadequate knowledge of the ecology and population dynamics of such marine animals and of the factors which bear upon their ability to reproduce themselves successfully" (Section 3(3)). The northern fur seal was exempted from MMPA by Congress. However, the U.S. Department of Commerce could have implemented the MMPA guidance through its votes at the annual North Pacific Fur Seal Commission meetings from 1972 and onwards. Clearly, if the Convention did not exist, the commercial hunt would have stopped 13 years ago.

In 1983, American scientists found that the fur seal population levels, including the Alaskan Pribilof Islands herds were at or below Optimum Sustainable Population, the threshold for depletion under MMPA. This depletion threshold is meant to be an alarm point. MMPA calls for a suspension or close regulation of subsistence harvest when a species is depleted. Yet, the reality of this threshold had no impact on the U.S. Department of Commerce voting under the Convention.

The Alaskan Pribilof seals have recovered only twice from severe overharvesting and population declines - once in the middle of the last century and once in the beginning of this century. Both turnarounds occurred only after moratoriums were instituted on all harvesting. There has never been a reversal of decline and return to optimum levels while any harvest, including a bachelor male harvest, was taking place. Considering this historical evidence and the continuing present day population decline, it is clear that a complete end to the harvesting of the Pribilof Islands fur seals is required at this time.

It has been observed that the populations on the Soviet and American islands without harvests have all been increasing. The U.S. government disagrees with this observation citing the decline of the Pribilof's St. George Island population as unharvested and still declining. In reality, harvesting has taken place on St. George for the past five years at a rate of 5 to 13% of a full commercial harvest. It is not surprising, then, that the government finds the population declining.

In the late 1970's, the Soviets also experienced a steep decline in their fur seal populations. Vladmirov, the chief Soviet fur seal scientist, developed a formula incorporating the old 19th century "breeding reserve" approach with the new at-sea mortality, each year's harvests, and natural attrition rates to predict a "safe" level of males to harvest each year. The Soviets subsequently lowered their own kill drastically and halted it altogether on one rookery. All but one of the declining Soviet herds is now stable or increasing. This improvement has occurred in spite of higher observed entanglement (i.e., entrapment of body parts in plastic debris) on the Soviet islands.

Two months ago, the Standing Scientific Committee of the North Pacific Fur Seal Commission listed the harvest as a possible cause of the seal population decline. Despite that possibility, the Committee again recommended that all subadult bachelor males of the Pribilof herds be made available for harvest. Its recommendation for this year's take on St. Paul Island is 23,499 fur seals.

The U.S. government has had ample reason and opportunity to stop the commercial harvest of fur seals under the Interim Convention. But, it has not. Instead, the U.S. government has continued to support the kill, arguing that the harvest "may not" hurt the seals. API finds this position incomprehensible, and these actions damaging to seals.

II. Conflict with U.S. Policy

The purpose and population standards used by the Interim Convention, in certain circumstances, are inconsistent with and in direct opposition to U.S. national policy on marine mammals. The goal of the MMPA is "to maintain the health and stability of the ecosystem." The goal of the Convention is "the greatest harvest year after year." MMPA also recognizes the aesthetic and recreational values of the animals as important. The Convention does not.

In addition, the Interim Convention population standard, known as Maximum Sustainable Yield, may also be in conflict with the MMPA's standard of Optimum Sustainable Population. For instance, MMPA would not have allowed the female kill. Under the Convention, a female kill took place on the Pribilof Islands for 12 years. If it were applicable, MMPA would have halted the commercial harvest and severely limited the subsistence take. The Convention allows both to continue.

In the face of uncertainty, the U.S. government's domestic and international policy for other marine mammal species is to stop all commercial kill. This has been the consistent U.S. position at the International Whaling Commission under the New Management Procedure. But the Interim Convention does not conform to this policy.

III. Conservation Needs Outside the Interim Convention

When the current Interim Convention was instituted in 1957, northern fur seal killing by humans was the only significant cause of mortality. Fur seals now face several new threats to their existence. Incidental catch in active fishing nets kills between 4-7,000 fur seals annually, which occurs outside the protection of the Interim Convention. In addition, the seals face the danger of growing levels of plastic debris, e.g., rings, hoops, packing bands, and other "play toys" through which they can put their heads. This causes 20,000 or more deaths each year. These two types of entanglement are another significant cause of fur seal mortality.

The U.S. government has not been able to respond to the entanglement problem within the context of the Interim Convention. At the Meeting of Parties Interested in North Pacific Fur Seals this year in Tokyo, U.S. Commissioner Carmen Blondin stated that the Commission "cannot solve" the problem. The Convention does not provide for any measures aside from research in this area. During negotiations on the Protocol before you for consideration, other party governments refused to include the entanglement "Statement of Concern" in the Protocol itself. Last year, the Commission even rejected the U.S. request to endorse its Scientific

Workshop on Fates and Impacts of Marine Debris, an international conference on the extent of the entanglement problem.

The fur seals' environment has also changed drastically since 1957. Fur seals now absorb polyvinyl chlorides, heavy metals, and pesticides in their systems. Soon, they may be swimming in oil spills at their breeding grounds, thereby destroying their fur's insulation and harming their food. Not withstanding the critical decline in their population from continued harvesting, fur seals face the additional damaging reality of a collapsing ecosystem made up of immeasurable, treacherous biological challenges to their survival. The Convention has no capacity to mitigate these additional threats.

IV. Other Concerns

Concerns have been expressed about other possible consequences of non-renewal of the Interim Convention and termination of the commercial harvest. One of these concerns is the loss of research. There is, however, no necessary linkage between research done in the name of the Convention and the Interim Convention itself. Only the annual counting of the seals on the rookeries is mandated. If the fur seal research is of such high priority to party governments, it can be done independent of the Convention. The environmental/humane community will be working to obtain continued funding for research on this depleted species.

In testimony last year before the U.S. Senate Committee on Commerce, Science and Transportation, numerous animal, environmental, and conservation organizations supported the new entanglement program authorization under the Marine Mammal Protection Act. This authorization included mitigation actions to resolve the entanglement problem. A million dollar appropriation was obtained in the FY '85 budget to address this massive threat to marine ecosystems. API is pleased to see the progress the U.S. government has shown domestically and in taking the lead in international forums to bring attention to this problem. Assuming continued congressional funding, we can expect this progress to continue.

Concern has also been expressed about the possibility of a pelagic (open sea) harvest in the absence of the Interim Convention. The Convention now prohibits only four of the nations with ships in the North Pacific from such activity (i.e., U.S., Canada, U.S.S.R., and Japan). Other nations with large fleets in the area (e.g., Taiwan and South Korea) could take fur seals if it was advantageous from an economic or predator control viewpoint. There is no record of any recent hunts by these nations.

In 1984, the U.S. Department of Commerce specifically raised the possibility of Japanese pelagic sealing in the Interim Convention's Draft Environmental Impact Statement (DEIS). In response, the Japanese Embassy wrote to Commerce requesting that such a portrayal of Japanese actions be removed from the Final EIS. The Japanese government wrote, "It is incomprehensible that termination of the Convention would automatically lead to a resumption of pelagic sealing." The Japanese have a domestic law prohibiting sealing. No statement from the Japanese has said they will repeal that law and allow sealing. The Japanese Embassy indicated as late as last week that the non-renewal of the Interim Convention would only give the Japanese Diet no "automatic basis" for rejecting requests to change the law.

Clearly, there are other means of preventing possible pelagic sealing. Under the U.S. Fishermen's Conservation and Management Act, current law provides for loss of fishing privileges in the U.S. Exclusive Economic Zone for any reason recommended by the Secretary of Commerce. This approach has been used against Japan and other nations in the past for marine resource conservation purposes. Japan takes hundreds of millions of dollars of fish in U.S. waters each year. If Japan were to resume pelagic sealing, it would jeopardize a significant part of its national fishing industry. Unlike the whaling issue, there is no domestic sealing industry to pressure the Diet to counter this interest. It would be economically foolish to forego the far more valuable fisheries for a few thousand seals.

API, and other concerned organizations, will continue to monitor the status of the fur seals. Should any nation begin pelagic sealing or any other harmful practice, we intend to use every instrument at our disposal to protect the seals, including the Fishermen's Conservation and Management Act or new legislation, if necessary. API hopes that you will join us in proposing such legislation should the threat of pelagic sealing become a real one.

The final concern heard expressed is a human one. The Aleut people on the Pribilof Islands are in a difficult time of transition. Recognizing this, several animal welfare and environmental organizations worked with them in gaining congressional passage in 1983 of legislation authorizing a $20 million trust fund to develop economic self-sufficiency. This money is in addition to over $100 million in public funds provided to Pribilof Islanders over the past six years for a range of purposes. API believes that the Islanders have adequate resources for this transition. We find it insupportable that, faced with the dying world market in seal furs, the Aleuts are willing to risk limited capital, people, and time in starting a privately funded commercial sealing operation. Unfortunately, the prospect of starting such an operation has already diverted resources away from other businesses with a reliable future.

V. Recommendations

The original Convention on the Conservation of North Pacific Fur Seals, ratified in 1911, has been held up as a model of international conservation to a generation of wildlife biologists. These people, educated in the 1950's and 60's, using pre-World War II Convention statistics are now at the peak of their careers. They were taught that, as a result of the Convention, the commercial harvest was contained, the fur seal population was restored to a healthy size, and it has greatly benefited the seals. Sometimes it is hard for them, and many others, to accept that the same Convention could allow the seals' numbers to fall again to the dangerously low levels of 1911. Yet today, as the seal populations again approach these levels, no amount of discussion can stop the commercial harvest under the Convention. No means exist to terminate the harvest until the Convention is dead.

Today, we also have a new generation of international conservation agreements capable of helping the northern fur seal. They include the London Dumping Convention with its prohibition on the dumping of persistent plastics and fishing debris, already in force for 60 nations (including the four party governments to the Interim Convention); the Marine Pollution Convention Annex V, which we recommend to you to control garbage disposal at sea; and the Pacific Council on International Exploration of the Seas (PICES), the scientific counterpart to the North Atlantic International Exploration of the Seas (ICES) which has dealt with other seal populations. Japan and the Soviet Union are both interested in continuation of these PICES scientific consultations.

All of these conservation agreements bear directly on the northern fur seals, and API wholeheartedly supports them. We support many other international conservation agreements as well, such as the International Whaling Commission, the Inter-American Tropical Tuna Commssion, and the new Cartegena Convention on Protection and Conservation of the Environment of the Wider Caribbean. The Interim Convention is the only international agreement of this type that we have ever opposed.

By standing still in a changing world, the Interim Convention no longer plays its original role in fur seal conservation. It is no longer capable of stopping the commercial harvest. Where once it stopped the equivalent of a multimillion-dollar industry, now it cannot - or will not - stop a small unprofitable harvest. For 13 years, the Interim Convention has shielded the northern fur seals from the protection of the Marine Mammal Protection Act and has condoned their slaughter and subsequent depletion. The Convention cannot begin to cope with the modern conservation needs of the fur seal. It continues to exist for only one purpose - a commercial harvest. Accordingly, the Animal Protection Institute of America and its nationwide membership urges you to reject ratification of the Interim Convention on Conservation of North Pacific Fur Seals.

NOTE: This testimony is endorsed by The Fund for Animals and The American Humane Association.

Senator MURKOWSKI. Thank you very much.
Ms. Boe.

STATEMENT OF VIVIA BOE, INTERNATIONAL SEAL PROJECT COORDINATOR, GREEN PEACE INTERNATIONAL

Ms. BOE. Thank you, Mr. Chairman.

I am grateful for the opportunity to appear with this distinguished panel, but—first of all, I would like to say, that in fact, I agree with virtually all of the points that have been made by everyone else here. I would like to point out, though, for the record that Green Peace is not an animal protection group as we are listed on the panel. We are an environmental organization active in 16 countries, and we have nearly 700,000 active members in the United States alone. I think it can be said that Green Peace is in the forefront among the leaders in the worldwide conservation movement, and we believe that the fur seal issue is a serious environmental concern, and we oppose it on that basis alone.

And I would like to request that my entire statement be entered into the record.

Senator MURKOWSKI. It will be entered into the record as if read.

Ms. BOE. The basic issue here is what is the value of the Interim Convention. It has been said several times here today that the Fur Seal Treaty brought the northern fur seal herd back from the brink of extinction. Well, that is true, but that was at the beginning of this century. The subject today is not the success of the Fur Seal Treaty of 1911. We are talking about the failure of the Interim Convention of 1957.

Ever since that Interim Convention was signed in 1957, the fur seal population in the Pribilof Islands has been declining. During the first 11 years of the convention, the North Pacific Fur Seal Commission allowed the kill of a total of 300,000 females. This was a management plan designed to dramatically increase the number of seals which could be taken in future hunts. The effect was dramatic, but it was not what was expected. In fact, the seal population fell by 50 percent as a result of this management error in just 15 years, from 2 million seals to about 1 million seals, and it continues to decline to this day.

You mentioned during a previous panel, Mr. Chairman, that the numbers killed during the hunt fell during this time period, and I would like to point out for the record that this is because there were decreased numbers of seals available, not any intentional reduction of the hunt.

The Interim Convention has been effective; it has been effective in reducing the northern fur seal heard by some 1.8 million since the early 1950's. If the North Pacific Fur Seal Commission had done its job, we would not be here today; but they have failed to invoke or they have failed to abide by their own pacts of the convention. They have failed to invoke article 5(2)(d) which provides for a suspension of the kill should the seal herd fall below maximum sustainable productivity. And it is almost as if this article does not exist. It has been totally ignored, and I really think that that is remarkable. It is ironic that now the only way to achieve the objectives of the Convention is to invalidate that Convention.

I would like to respond to a couple of statements made earlier.

Senator Murkowski. Please proceed.

Ms. Boe. Senator Stevens has said that without the treaty, the United States would not be able to control pelagic sealing with the Pelly amendment. However, under current law, the administration could use the basket clause of the Fisheries Conservation and Management Act to prevent pelagic sealing. The basket clause allows the President the discretion to cut the fish allocations of a nation conducting actions contradictory to U.S. policy.

An amendment offered recently by Representative Bonker of my own great State of Washington to the present Fisheries Conservation and Management Act reauthorization bill specifies that the basket clause should be used in effecting living marine resource policies.

Of course, Japan is threatening to continue pelagic sealing, to resume it. They have been getting free seal pelts for over 70 years now by threatening to resume pelagic sealing. The threat of pelagic sealing, however, remains an empty threat, and I think that Senator Levin pointed out very clearly the watertight case against the likelihood that pelagic sealing will resume.

As regards the statements made that markets still exist for fur seal pelts, I would like to speak as a researcher for Green Peace for the past 7 years. Much of that extensive research has been done in Europe, on specifically relating to the seal fur market.

I would like to call the committee's attention to a 1984 World Wildlife Fund wildlife trade monitoring unit study called "The European Market for Seal Skins." The section on northern fur seal pelts in that report is very short, about one paragraph, and that is because there are no markets left in Europe, which formerly bought virtually all the pelts.

This is not likely to change. It represents not the whims of fashion. It represents an actual change in human values. And, I think that by now this should be manifestly clear, that the American and the European public, which used to buy most of the pelts, are overwhelmingly opposed to commercial sealing.

As for the bone products so delicately mentioned by Senator Stevens as being in demand, they are the genitals of the seals which were once a byproduct of the hunt, but now are actually worth approximately 25 percent more than the pelt's first found value. They are sold as so-called aphrodisiacs in Asia.

I respectfully ask the committee to decide whether this is an acceptable reason for hunting a declining species of wildlife in the late 20th century.

In closing I would like to say that Green Peace is not opposed to a subsistence hunt by the Aleuts provided it is a legitimate subsistence hunt. And calculating what would be a reasonable take, I would like to offer the suggestion that it be noted that as the Aleuts continue to develop their commercial fishery—and they are doing an admirable job so far—they will doubtless consume much more fish. As this occurs, the subsistence kill should be adjusted downward to reflect this, especially as the northern fur seal population's decline is so sharp.

And I would be happy to answer any questions you may have, sir.

[Ms. Boe's prepared statement with attachments follows:]

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TESTIMONY FOR
U.S. SENATE FOREIGN RELATIONS COMMITTEE HEARINGS
ON THE
INTERIM CONVENTION ON CONSERVATION OF THE NORTH PACIFIC
FUR SEAL
WASHINGTON, D.C.
JUNE 13, 1985

PRESENTED
on behalf of
GREENPEACE INTERNATIONAL

by
Vivia Boe
International Seal Project Coordinator
Greenpeace International

BOSTON, CHICAGO, HONOLULU, JACKSONVILLE BEACH, SAN FRANCISCO, SEATTLE

Greenpeace is an international environmental organization with offices in 16 countries. We present the following statement on the Interim Convention on Conservation of the North Pacific Fur Seal on behalf of our 500,000 members in the United States.

We are extremely concerned about the future of the northern fur seals. It is obvious that political--not scientific--reasoning has guided the management of this species. It is seriously depleted, and there is enough evidence that the commercial hunt may be contributing to the decline to conclude that it must be suspended immediately. Yet an agency as knowledgeable and prestigious as the U.S. Marine Mammal Commission was overruled in their recommendation that the northern fur seal be listed as a threatened species. We believe that immediate steps must be taken to remove the unnecessary additional pressures that a slaughter continues to have, and this can only be done by allowing the Interim Convention to lapse.

To facilitate understanding of Greenpeace's position on the Convention, I have used the Final Environmental Impact Statement (FEIS) as the point of reference.

VALUE OF THE INTERIM CONVENTION

Greenpeace strongly disagrees that the Convention is "a model international conservation program for a migratory species" (page 3). This often-mouthed praise does not take into consideration that:

1) The experimental kill of more than 300,000 females during

the period 1956-1968, calculated to increase the number of harvestable seals, was an utter failure. The population fell from 2 million to 1.1 million in just 15 years because of this "model conservation program"!

2) The northern fur seal population has been declining ever since the current Interim Convention came into force. The North Pacific Fur Seal Commission (NPFSC) was ignorant of the decline for many years. When it did become manifestly clear that the northern fur seal population was in trouble, the NPFSC did nothing to resolve the problem.

3) The NPFSC has not met its major management objective, i.e., that the fur seal populations be brought to and maintained at the the level of maximum sustainable productivity (MSP). It has failed to evoke Article V (2) (d) of the Interim Convention, which states that a reduction or suspension of the hunt should occur should the seal herd fall below MSP. The Pribilof fur seal herd has been below MSP practically since the inception of the Interim Convention.

The Interim Convention is an antiquated treaty which has done more harm than good over the past three decades.

The proposed action described on page 39 of the FEIS reinforces our belief that the Interim Convention should not be ratified. It provides no assurance that there will be any amelioration of the precipitous decline of the seal herd. There is nothing in either the proposed action or the protocol and its attached Statement which makes the continuation of the Convention more desirable than its expiration.

EFFECTS OF THE SLAUGHTER ON THE SEAL HERD

Discussion in the FEIS of the possible role of the annual slaughter on the fur seal herd is wholly inadequate. The FEIS gives two reasons for the contention that the slaughter is "probably" not having an effect: first, that "increasing trends have been associated with a male harvest"; second, that "the seals on St. George Island are declining at the same rate as those on St. Paul, although the St. George harvest was terminated more than 10 years ago" (p 79).

The first assertion is very misleading: the "increasing trends" observed during the male harvest were certainly more due to the fact that the land-based male harvest was so much smaller than the pelagic non sex-specific hunt which it replaced. It can be more rightly said that increasing trends have been associated with periods of no hunting. When historic periods of decline were followed by moratoria on hunting (for whatever reason), increasing trends occurred. The decrease in the fifties and early sixties was followed by a reversion to a male-only harvest in 1968, since which time the population has continued to fall sharply.

In short, the first contention holds no water at all.

The second is no better. The arguments against using the St. George population as a control ("unharvested") population are contained within National Marine Fisheries Service's own scientific documents. There is a major problem with using St. George as a control group.

The St. George population cannot be considered "unharvested" because it is harvested. The subsistence take has enough impact to nullify any use of the St. George as an unharvested control group. According to documents submitted by the Pribilof Islands Program to the Standing Scientific Committee of the North Pacific Fur Seal Commission (NPFSC) in 1983, the subsistence kill must remove no more than 5% of the harvestable animals for the St. George herd to considered a truly "unharvested" population. The current take of 350-500 animals amounts to more than 10% of the harvestable animals, meaning that the maximum tolerable risk of error in statistical analysis is exceeded by at least a factor of two.

In the first year of subsistence-only hunting, the Aleuts took 200 seals, or approximately 5% of the harvestable animals. In all subsequent years,the subsistence harvest has been too large to permit valid use of St. George as a control group.
Even if the risk of error were reduced to a tolerable level, the St. George population could still not be used as a control group until 1987. For according to NMFS it requires 15 years for a formerly harvested fur seal population to revert to "unharvested" status.

Thus, there is in actuality no reliable evidence that the commercial hunt is not playing a significant part in the decline of the northern fur seal herd.

It is reprehensible that the NPFSC has so summarily cast aside all the evidence that the hunt could be part of the problem. It indicates, if not an outright lack of real concern on the part of the Commission, then at least a sloppiness and an unscientific unwillingness to admit that they might have erred in allowing this large-scale commercial hunt to continue for so long.

While the arguments that the hunt is having no effect are weak and insupportable, being described with the liberal use of words like "maybe", "possibly", and "probably", a study by a member of the Standing Scientific Committee of the NPFSC succinctly states that the killing of bachelor male seals has been known to contribute to a population decline.

This paper, by V.A. Vladimirov of the USSR, explains that the bachelor hunt, combined with increased non-hunt mortality at sea, dramatically reduced the northern fur seal population in the Commander Islands by the mid 1960's. The number of bulls reaching maturity fell approximately 72% during the period referred to. This led to a corresponding drop in pup production.

The bachelor hunt was totally suspended on some rookeries, and severely cut back on others. As a result, the population recovered and stabilized.

It has often been suggested that the Pribilof slaughter, being an age and sex-specific kill of very long duration, could be adversely affecting the gene pool of the northern fur seals, leading to diminished abilities to reproduce and survive. The FEIS says that the scientists involved are unable to come up with any way to test this theory.

It seems reasonable that a complete cessation of the commercial slaughter would be a good place to start.

The FEIS reports that the NPFSC limited the number of seals to be taken in the 1984 kill "to preclude the possibility of overharvesting the Pribilof population" (p 28). This would indicate that the NPFSC doubts its own conclusion in the same paragraph that "no adjustments in harvest levels are required". But it is such a slight reduction that it is no more than an arbitrary token gesture. It is remarkable that the NPFSC actually believes this measure will preclude overexploitation of the population. This raises more doubts about the competence of the NPFSC.

For 1985, the catch limit has again been set at 22,000. I understand that the duration of the slaughter has been shortened by a few days. Perhaps this is part of the NPFSC's program to preclude overharvesting the seals. It seems likely, though, that its main effect will be to cause the hunters to hurry through the kill.

DEVELOPMENT IN THE PRIBILOFS

A major wave of oil and gas exploration began last summer in the Bering Sea near the Pribilof Islands. Both St. Paul and St. George have demonstrated their willingness to provide shore support bases during exploration. The FEIS describes some of the plans for this development (p 35):

> "During the exploration phase, oil companies will probably use existing port facilities, if possible; but they may be expected to build, modify, or expand facilities if no existing facilities meet their needs. The Minerals Management Service identifies St. Paul as a potential onshore facilities site for offshore oil and gas exploration and development in the St. George Basin because of its proximity....St. George is only 38 miles from the northwestern lease sale area, and has been considered a potential crude oil terminal or liquid natural gas (LNG) plant site..."

The dangers to the northern fur seal herd are clearly spelled out in the FEIS:

"...they are no doubt particularly vulnerable to oil contamination since almost the entire Pribilof fur seal population, except for most 1-year old animals, is assembled in a relatively small area for up to 7 or 8 months (May-December). Oil spills in the St. George Basin area during May-November could have a disasterous (sic) effect on the fur seals of the

Pribilof Islands....Light crude oils, although coating the fur heavily enough to have a severe metabolic impact, may not be visibly detectable on the pelt. Therefore, oiled animals on the rookery may not be obvious, which would make ineffective any rehabilitation program following an oil spill."

In light of all this, the added unnecessary burden on a declining species of a large scale annual slaughter should definitely be removed.

ECONOMICS OF THE SEALING BUSINESS

Should the Convention be ratified, the Aleuts will receive the unsold seal skins from 1984 in return for skinning more seals in 1985, which will probably not be sold either. This is not only ironic, it is a patent waste. The skins may be sold at rock bottom prices to the Fouke Fur Company of Greenville, South Carolina, which has been stockpiling pelts in hopes that the markets will return. They are not likely to do so, as the collapse of the seal fur market represents a change in Western society's values. In general, it is no longer acceptable to slaughter large numbers of wild mammals for personal profit. And it should be obvious by now that the clubbing of seals is repugnant to the American and European public.

The Aleuts are making a profit off the hunt--from the sale of the penis bones to the Far East aphrodisiac market. The 1984 receipts to the Aleuts for penis bone sales amounted to $440,000. Is the U.S. government really going to condone this as a justification for the slaughter of a declining species?

Aphrodisiac manufacturers have in the last two years been approaching the sealing industries in Norway and Canada with offers to buy all the seal genitals they can supply. Norwegian sealers have entered the business, and Canadian sealers are seriously considering this as an economic justification for continued seal killing.

The United States would be wise to not further align itself with the sealing industries of Canada and Norway, which have evoked the most sustained and vocal public protest against any environmental or animal welfare issue.

ECONOMIC ALTERNATIVES

The economic importance of the seal slaughter to the Aleuts is commonly overstated by seal hunt proponents. While it is true that the hunt was the economic mainstay of the Pribilof Islands for nearly two centuries, the economic picture has changed dramatically in the last two years.

On page 70, the FEIS provides detailed information on the estimated projected worth of the seal hunt on St. Paul.

The 1985 hunt, should it be allowed to occur, is forecast to provide 77 part-time jobs out of a total of 100 full- time and 227 part-time jobs. Earned income from the hunt would equal $245,000, out of a total of $5,075,000 from all industries on the island. For 1990, the forecast estimates the number of jobs in the sealing industry and the income earned from it will be the same, while total income from all industries is estimated to rise to $17,659,000.

The people of the Pribilof Islands have received many millions of dollars from the government, some $104 million of it in the past three years alone. With this money, they have embarked on a promising future in the Bering Sea fishing industry.

It is never easy to leave an old way of life behind: much courage and foresight are required. Greenpeace believes the Aleuts have "the right stuff" to succeed in their commercial fishery and tourist industry, and we wish them the best of luck in doing so.

T
GREENPEACE SEA
ATTENTION TOM MILLIKEN WORLD WILDLIFE FUND JAPAN
FROM VIVIA BOE, GREENPEACE
JUNE 19 1985
HELLO, SORRY I MISSED U WHEN I CALLED. FOUND OUT U HV TLX THO
SO HERE GOES:
WE ARE IN MIDST OF BATTLE IN USA SENATE OVER TREATY WHICH GOVERNS
THE ALASKAN FUR SEAL HUNT. VOTE IN COMMITTEE EXPECTED TUESDAY.
INFO I NEED FROM U IS ON A GROUP WHICH CALLS ITSELF THE COMMITTEE
FOR THE RESUMPTION OF PELAGIC SEALING. FIRST EMERGED AT THE TOKYO
MEETING OF THE FUR SEAL COMMISSION, LAST APRIL. FEEL IT IS DUMMY
GROUP WHICH EXISTS TO BLUFF ANTI-SEALING FORCES INTO THINKING THAT
PELAGIC SEALING WILL RESUME IF FUR SEAL TREATY PASSES (WE WANT IT
TO EXPIRE).
CAN U FIND OUT IF THERE IS A BONA FIDE GROUP, ND WHO WE COULD CONTACT.
ALSO, FEEL JAPAN MAY SEND OUT SHIP TO KILL SEALS AT SEA IF TREATY
APPEARS TO BE FAILING TO BE RENEWED. CAN U LET US KNOW IMMED IF U
HEAR THAT THIS OCCURS? WLD NEED TO KNOW APPROX SIZE OF SHIP AND CREW
SO WE COULD JUDGE THEIR INTENTS: WHETHER IT IS GENUINE THING OR FOR
SHOW.

VIVIA
WUI GA

RCA JUN 25 0351*
GREENPEACE SEA
*
GREENPEACE SEA
SORRY TEST

V
RCA JUN 25 0354*
GREENPEACE SEA

2423793AMEOIL J

TOKYO JUNE 25, 1985

ATTN: VIVIA BOE, GREENPEACE
FROM: TOM MILLIKEN, TRAFFIC JAPAN

1. WE HAVE CHECKED WITH FOREIGN MINISTRY, FISHERIES AGENCY, AND IWATE PREFECTURAL GOVT. AND NOBODY KNEW OF SUCH A GROUP ALTHOUGH THERE WAS SPECULATION THAT IT COULD REFER TO THE PEOPLE WHO USED TO SEAL OUT OF THE SANRIKU AREA OF IWATE. HOWEVER, NOTHING SOLID AT ALL, AND YOUR VIEW THAT'S IT'S A FRONT SORT OF TACTIC IS PROBABLY ACCURATE.

2. WE ARE CHECKING ON SEAL STX AND WILL SEND YOU INFO WHEN WE HAVE IT.
BEST REGARDS, TOM
.....;

[illegible]

[illegible] SEA
[illegible] AP
[illegible]

[illegible] (TRAFFIC) JAPAN...

TOKYO JUNE 26 [illegible]
ATTN VIVIAN [illegible]
FROM TOM [illegible]

RE• [illegible] SEALING GROUP

FURTHER CHECKS WITH MARINE MAMMAL [illegible] HERE HAVE FAILED TO IDENTIFY THE RECENT FORMATION OF ANY SUCH [illegible] HAS SUCH A GROUP IN THE [illegible], [illegible] DISAPPEARED XX DISAPPEARED. [illegible] THAT [illegible] PEOPLE PRIMARILY ENGAGED IN DOLPHIN KILLING [illegible] OPPORTUNISTICALLY. JAPAN [illegible] DOLPHIN KILLING [illegible]
[illegible]
WHICH EFFECTIVELY ENDED THE [illegible] MENTIONED. EVERYONE WE HAVE [illegible] A GROUP AS THE [illegible] OF THE [illegible].
HOPE THIS HELPS.
REGARDS,
[illegible]

WILDLIFE TRADE MONITORING UNIT

Traffic Bulletin

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[illegible] with F.R. Germany and partly for this reason has relied a great deal on the German fur industry to provide the European outlet for its sealskins. However, owing to the relatively rapid development of a market environment that largely rejects sealskins, the South African Government has suddenly been faced with the collapse of a European commercial demand for Cape Fur Seal. Thus, no sealing was undertaken in 1983 and, although South Africa has set a quota of 19 500 for 1984, this is more as a result of wildlife management policy than a response to market demand. Skins from previous years are being offered for tender in an attempt to dispose of old stocks. Reportedly there has been little response (Frayling, pers. comm.).

TABLE 2
Cape Fur Seal Take in South Africa

	Quota	% Achieved	Number killed
1980	32100	58.1	18618
1981	37100	85.8	31831
1982	40000	79.6	31840
1983	4500	0	0
1984	19500	n/a	n/a

n/a: figures not available.

Source: Marine Development Branch, Cape Town, South Africa.

Norway

The decline in the market for Cape Fur Seal skins is indicated by the reduced purchases of those firms which used to deal extensively in this species. In Norway, G.C. Rieber & Co. used to buy 27 000 skins a year which, once dressed, sold for about NKr125 (approx $25) each in 1980. Since 1981 the firm has not bought any and it is undecided about whether to buy any in 1984. Currently Rieber is selling old stocks at very low prices from NKr40-50 (approx. $5) each for raw skins (Rieber, pers comm.).

Between October 1983 and May 1984 the firm sold 11 000 Cape Fur Seal skins, mostly to German coat manufacturers.

South Africa's CITES report for 1982 shows the licensing for export of 6700 Cape Fur Seal skins to Norway. However it is possible that these skins, if exported, were shipped to Norway only to be dressed by Rieber & Co., but had been sold elsewhere.

Denmark

In Denmark the market for seal products is still relatively secure, although small. M. Levinsky, one of the major firms dealing in seal, bought 3500 Cape Fur Seal skins in the year 82/83 (E. Schöttlander, in litt.), all from G.C. Rieber & Co and plans to buy the same again in 1984 (H. Schöttlander, pers. comm.). According to Schöttlander, the market for manufactured coats is mainly within Denmark but also to a much lesser degree in Austria and Finland. Cape Fur Seal coats retail in Denmark for DKr5500-8000 (approx. US$520-700) which is unchanged from 1980 (E. Schöttlander, in litt.).

F.R. Germany

Within Germany, several firms, Denhardt-Seal, Foggensteiner and Levy & Co. amongst them, which have specialised in the sealskin trade, have experienced greatly reduced turnovers in sealskins since 1981. One firm, [illegible], which dealt only in Cape Fur Seal has gone bankrupt (Langenberger, pers. comm.). Levy & Co. still has Cape Fur Seal garments for men (exhibited at the Frankfurt Fur Fair, April 1984), but by and large the fur is not furry enough for most women and it is very difficult for any furrier to sell clothes made of Cape Fur Seal (Thorer, pers. comm.). Denhardt-Seal used to deal in 30 000 Cape Fur Seal skins a year, but now "won't touch it" (Denhardt, pers. comm.). In Germany coats made of Cape Fur Seal have declined in price by 40% since 1980, from a retail price of about DM 3000 (approx. $1650) to about DM 1795 (approx. $615) today, if it can be sold at all (Denhardt, pers. comm.). The decline is due partly to a change in fashion but is widely believed, in the industry, to be mainly due to unfavourable publicity stemming from anti-sealing campaigns.

Other Countries

France does not appear to feature largely as a trader in Cape Fur Seal. France's annual reports to CITES for the years 1979 to 1982 record only the re-export to the UK in 1981 of fifty-nine skins and the re-export to F.R. Germany in 1982 of 400 skins. Nor do French CITES reports record any imports of sealskins coming directly from South Africa.

Switzerland's Customs statistics do not distinguish sealskins but its CITES report for 1982 shows the importation of twenty-three skins and of nine garments from South Africa. The 1979 CITES report for Denmark records the export to Switzerland of one coat, although this does not appear in the Swiss report for the same year. It thus seems that Swiss trade in Cape Fur Seal is very small. One of the few Swiss firms which still deal in Cape Fur Seal said that the skins are now commercially accepted only to a very limited extent and that he could expect to move about 200 skins in a year if he were lucky. As a result, he had not bought any for two years (Mayer, pers. comm.).

The CITES annual reports for the UK, Italy and other European countries all show imports or exports/re-exports of Cape Fur Seal which are incidental. With regard to Italy, it is possible that garments made of Cape Fur Seal are entering the market but it has been impossible to obtain any reliable information on the extent of this trade.

Pribilof or Alaska Fur Seal
Callorhinus ursinus

Pribilof Fur Seals are found in the North Pacific Ocean in Canadian, Japanese, Soviet and US (Alaskan) waters. Breeding occurs only in Soviet and US territories (King, 1983).

Source Countries

Under the fur seal treaty of 1911 and the Interim Convention on Conservation of North Pacific Fur Seals 1957 (currently under review), the USA and the USSR control and manage the populations of the Pribilof Fur Seal. Both nations share 15% of their take from these herds with Japan and Canada. The US Government is responsible for the annual sealing operations carried out on St Paul and St George Islands in the Pribilofs. In 1984, this kill was contracted out to native Aleuts who were paid a fee of US$500 000. According to press reports, this is the last year that the kill will be conducted and instead the Aleuts will attempt to develop a small-scale fishing industry.

Table 3 gives figures of Pribilof Fur Seals taken in the Pribilofs. The majority of animals killed on St Paul Island, where the commercial kill is carried out, are bachelor males of three to four years old.

The skins are all dressed in South Carolina by the Fouke Fur Company, which holds exclusive rights on the process, and are then sold by auction. Canada and Japan may receive their respective shares either in skins or from the proceeds of the auctions. It is reported by members of the fur industry that the US Government is encountering severe difficulties in selling the sealskins and that as a result the Fouke Fur Co. is less willing to process them. The records of receipts from skin sales show a sudden fall in price per skin (Fig. 1).

Canada's share of the skins was formerly offered at auction by Hudson's Bay Co. in Toronto and might then be exported to Europe. However, since 1982 the company has encountered difficulties in selling the skins and now any sales of Pribilof Fur Seal that are undertaken are conducted by the Fouke Fur Company (Frayling, pers. comm.).

It is not apparent that any Pribilof Fur Seal skins taken in the Soviet kill enter European trade.

TABLE 3

US Take of Pribilof Fur Seals 1976-1984

	St Paul Island	St George* Island	Grand Total
1976	23096	200	23296
1977	28449	350	28799
1978	24885	298	25183
1979	25762	351	26113
1980	24327	350	24677
1981	23928	350	24278
1982	24468	350	24818
1983	25768	n/a	25768+
1984	22093**	n/a	

* Taken for subsistence purposes or for scientific research.

** Projected kill figure from press announcement by US Secretary of Commerce.

n/a: figures not available.

Source: Anon, 1983a.

Markets

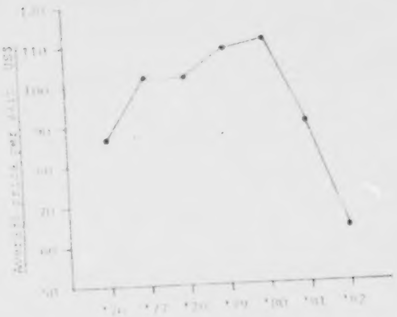
Although it is not so stated in US Customs statistics, most exports of dressed sealskins are likely to be of Pribilof Fur Seal as the US Marine Mammal Protection Act, 1972, severely restricts the species which could be involved.

According to US Customs export statistics for 1979-1981, the largest proportion of sealskins exported by the US to Europe went to Switzerland with large quantities also consigned to Italy and F.R. Germany. The Pribilof Fur Seal produces a pelt of a similar luxuriance and type to that of Cape Fur Seal and therefore supplies a similar market demand. It appears from the data that while Cape Fur Seal skins are used primarily by the Danish and German fur industries, Pribilof Fur Seals are utilised by Swiss and Italian as well as German furriers, to produce items comparable to those of Cape Fur Seal.

On the basis of the import statistics of European countries, and the Canadian CITES reports which include Pribilof Fur Seal in an annex, the scale of Europe's trade in this species is small and has been adversely affected by the same factors which have influenced the marketability of Cape Fur Seal. Most European furriers appear to feel that the limited availability of Pribilof Fur Seal and, more particularly, its poor commercial value in today's market greatly reduce its attraction.

Fig. 1

Value at auction of Pribilof Fur Seal skins



Source: Anon, 1983c.

South American Fur Seal
Arctocephalus australis

The South American Fur Seal occurs on the coasts and offshore islands of Peru, Chile, Argentina and Uruguay (King, 1983).

Source Countries

Uruguay is the only country known to be exploiting the species but there are very few reliable data available. Attempts to obtain information directly from Uruguay have been unsuccessful; CITES annual reports and FAO catch figures (Anon, 1983c) are the only sources available. FAO data show a decline in the catch from 10 496 in 1979 to 1375 in 1982.

Markets

CITES annual reports for 1980 to 1982 show an average of about 500 South American Fur Seal skins entering European trade annually, with F.R. Germany as the main destination. Figures are not available from Uruguay for 1983 but there is no evidence to suggest that this trade has increased.

Ringed Seal
Phoca hispida

The Ringed Seal is circumpolar in distribution and is found on the coasts of Alaska, Canada, Finland, Greenland, Japan, Norway, Sweden and the USSR (King, 1983). The species has traditionally been hunted by arctic natives and therefore a large number of skins are available annually.

Source Countries

Canada

Barzdo and Caldwell (1982) report that there has been an annual kill of around 75 000 Ringed Seals but that the number entering trade fluctuates considerably. There is no precise information available on the quantity of

TRAFFIC(JAPAN)
野生動植物国際取引調査記録特別委員会

[illegible]
6th Fl. 39 Mori Bldg. 2-4-5 Azabudai
Minato-ku Tokyo 106 JAPAN Tel 03(434)2221

WWF
WORLD WILDLIFE FUND

[illegible]

July 25, 1984

Dear Vivia,

Many thanks for your letter and continuing concern of Japan becoming a major fur seal skin market. Again, we have no evidence to indicate that this is occurring. Dealers of skins who I have contacted earlier this year all expressed the lack of consumer demand for seal furs, and althcught the industry here is clearly aware that they are being woed as a potential future market, they don't seem to be biting. The seal furs we find in the market place today apparently were imports from several years back. Let's hope this situation holds.

If I find anything to the contrary, I'll let you know.

Best regards,

Tom Milliken
Director

WWF WORLD WILDLIFE FUND

世界野生生物基金香港分會

HONG KONG

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15 August 1984

Ms. Vivian Boe
Greenpeace International
Seal Project Coordinator
Good Shepherd Centre
4649 Sunnyside Avenue N.
Seattle, Washington 98103

Dear Vivian,

Everyone interested has been following the splendid progress for protection of seals, and the EEC ban on imports was a great step, a victory for everyone working so tirelessly to stop the slaughter.

I've managed only a telephone reaction for a cross sampling of Hong Kong fur dealers, and it's basically what Tom Milliken found with the Japanese breed. There is not a great deal of interest in this particular product.

That picture may change, of course, as other fur products become more difficult to obtain and stockpiles run out of favoured and traditional (and now protected species) pelts run out.

I have taken advantage of a visit by Esmond Bradley Martin to Hong Kong, and asked his opinion of the availability of fur seal penises, with a not surprising result. He knows what is going on generally as well as specifically for his projects.

They are available widely and in great quantity, and used as an aphrodisiac traditionally. Es feels but emphasises he has not studied or checked out the situation the biggest market may be Singapore, but Hong Kong's is big.

And unlike Singapore, which would be if anything rather arrogant about not recognising international protests, Hong Kong probably would be sensitive to a degree, even if only because of the sensitivities in the U.K.

- 2

I apologise that I will not be able to be of much more help than simply responding as best I can to your letter. WWF Hong Kong manpower being severly stretched, and given the situation that the animals are not CITES listed means there is no call on time to monitor trade in animal products outside of the protected species.

CITES responsible authorities in Hong Kong are the Dept. of Agriculture and Fisheries, but you will get little joy there as they have their hands full with CITES bureaucracy. A source of information about animal products imports outside of CITES would be the Dept. of Customs and Excise, and I'm told they are very helpful.

Finally, buyers at the wholesale level are: of aphrodisiacs, the hundreds of traditional Chinese pharmacists; of pelts, the hundreds of fur stores or stores carrying fur products.

Another Finally Greenpeace is known here. The incredible raid on Russian territory, for a start, probably got more favourable publicity than any single effort ever. If someone from the organisation would like to visit Hong Kong and do a survey, I would be happy to help both investigate and publicise the visit.

Hope this has been of some help.

Best wishes, and good luck in your work.

Nancy Nash
Consultant
WWF Hong Kong

cc: Mr Tom Milliken

San Francisco Examiner October 14, 1984

Foreigners accused of massive plunder of U.S. wildlife

By James Coates
Chicago Tribune

DENVER — A flurry of indictments handed down recently in federal courts here and in Montana outline what one federal prosecutor called a "massive international assault by the greedy" on America's wildlife.

The indictments and interviews with prosecutors, police sources and environmentalist leaders produced these examples of how black marketeers from Western Europe to Asia, Saudi Arabia to Mexico are preying on endangered American species for quick profits in often exotic ways.

- Koreans hire big game hunters in Colorado who furtively stalk the back country of Wyoming's Yellowstone National Park, killing bears and cutting out their gallbladders for sale as aphrodisiacs in Asian apothecary shops.

The Koreans have paid the hunters as much as $3,000 for a single animal's gallbladder, a grand jury indictment handed down in Denver last week charged.

- Members of the royal family of Saudi Arabia hire West Germans in Montana to fly hawks captured in the Big Sky state to the Middle East, where the nobility uses them in the ancient sport of falconry.

Falcons smuggled through diplomatic channels have brought poachers as much as $50,000 per bird from their Saudi clients, according to U.S. court documents.

- In France and West Germany, dealers in American Indian memorabilia pay members of the South Dakota Sioux tribe to kill bald eagles and ship the feathers to Marseille, where clandestine "artifact factories" operate alongside illicit heroin-processing stations.

An "authentic reproduction" of a floor-length ceremonial headdress made with eagle feathers can bring $7,000 to $9,000, an Interior Department spokesman said. If passed off as genuine antiques, the feathers can earn substantially more.

An American poacher can get $40 in Europe for a single tail feather from either a bald or golden eagle, said Interior Department spokeswoman Ann Haas.

"There are absolutely enormous profits possible trading in endangered species," she said.

Patrick Murphy, chief of the U.S. attorney's criminal investigations branch in Denver, said, "We are seeing a massive international assault on our precious natural resources by the greedy, and we're going to stop it."

Details of that assault are emerging as a little-known law enforcement unit presents the results of three years of undercover investigations to grand juries here and in Montana.

Operatives of the special investigations unit of the U.S. Fish and Wildlife Service have accompanied wealthy hunters deep into the forests of Colorado's Pikes Peak to shoot mountain sheep whose heads bring about $5,000 on the black market.

They have posed as wealthy foreign hunters paying $7,500 to be guided into Yellowstone Park on clandestine elk and bear hunts.

Recently they used a taxidermy shop in Fort Collins, Colo., called Rocky Mountain Game Processing to gather evidence against 34 people who since have been charged with violating the Endangered Species Act and other laws.

But the most ambitious effort uncovered in Operation Trophy Kill was the traffic in bear gallbladders by four Koreans in San Francisco.

The Koreans commissioned hunters to kill at least 18 bears, many of them apparently taken inside Yellowstone park.

Jung T. Wang of San Francisco allegedly bought illegal bear gallbladders from someone in Denver and transported a polar bear skin to Fort Collins. He faces seven years in prison and $40,000 in fines.

Targets of other stings, notably the South Dakota Sioux, complain bitterly that they were entrapped, actually recruited by the U.S. government to kill the American national bird and other creatures. Nine people have been arrested on charges of killing golden and bald eagles in South Dakota's Carl Mundt Wilderness Area.

Courts and leading forces in the environmentalist community have reacted positively to the stings, taking the attitude that the illegal trade is so brisk that poachers would kill the same number of animals whether their customers were law agents or fellow criminals.

Although the nine arrests in the South Dakota case, Operation Eagle, first were announced by then Interior Secretary James Watt in June 1983, undercover agents continued their investigation over the last year and have brought charges against 50 people for trafficking in feathers, the Interior Department's Haas said.

Prosecutors estimated that 200 to 300 eagles were killed by South Dakotans while the sting was under way.

The most lucrative of all the black markets deals not in dead animals but in living creatures.

It was uncovered by Operation Falcon, in which agents operated out of a Great Falls, Mont., storefront and arranged the sale of hundreds of birds of prey, including the sale of at least 19 hawks to a West German named Lothar Ciesielski.

Documents filed in a Montana court described how Ciesielski allegedly flew the 19 hawks from Great Falls to Dulles International Airport outside Washington.

There the birds were placed in a limousine registered to the Saudi Arabian Embassy and driven to Kennedy International Airport in New York, where they were flown out of the U.S. in a plane of the Saudi national airlines, the complaint filed in Montana charged.

Symbol of Kenya wildlife may soon be extinct

Threat to black rhinos, poached for their horns, is 'critical'

By David K. Willis
Staff writer of The Christian Science Monitor

Amboseli National Park, Kenya

Two tons of hide as solid as an armored truck . . . two long curved horns on a lowered, swinging snout . . . massive front shoulders that are almost six feet tall . . . known to charge with deceptive speed.

There's something about a black African rhinoceros that commands respect — especially when it browses its way to within 20 yards of your open safari minibus, tearing low foliage with a sound not altogether reassuring. This one, in Kenya's Amboseli National Park, near the Tanzanian border, seemed content just to graze.

A few days later, farther north in the Nairobi National Park, an even bigger rhino moved out onto a track of red earth not far ahead of our car. Sensing us (rhinos make up for poor eyesight with excellent smell and hearing), it swung around to face the driver and me, giving us a too-close-for-comfort view of its two great horns before vanishing into a cluster of low trees.

Male rhino on the run: rhinos have poor eyesight, and use acute sense of smell and hearing to detect visitors

The black rhino is the symbol of Kenya's wildlife in the national park system here, its silhouette appearing on park gates and in advertising. It is one of the big game animals that last year helped attract 360,000 tourists, most of them from West Germany, Britain, and the United States.

Yet this magnificent remnant of prehistoric days, which does not hunt other animals, is headed toward possible extinction in East Africa in general and in Kenya in particular unless quick action is taken.

"The situation is bad — it's critical," says Daniel M. Sindiyo, director of the Kenyan government's Wildlife Conservation and Management Department.

Interviewed in his wood-paneled office overlooking the Nairobi park, Mr. Sindiyo described a high-priority government campaign, helped by the New York Zoological Society and other groups, to create seven sanctuaries for the black rhino so it can breed and browse in peace — and keep on pulling in the tourists who are now Kenya's third largest source of foreign exchange (behind coffee and tea).

A recent survey by the International Union for Conservation of Nature revealed sharp drops in black rhino populations in 14 African countries from Zambia and Mozambique to the Central African Republic. Only South Africa, Zimbabwe, and Namibia reported more rhinos last year than in 1980. Cameroon held steady.

The adult black rhino has no animal enemies, but it is relentlessly hunted by man for its two horns — which are actually made up of thickly matted hair.

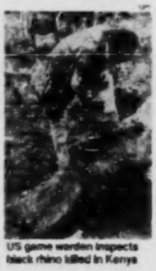
The poaching of rhinos in Kenya (hunting has been illegal here since 1977) serves a thriving market in North Yemen, where virtually all men wear daggers with rhino-horn handles. Similar markets exist elsewhere on the Arabian peninsula along with a belief that ground rhino horn has magical powers (for instance, as an aphrodisiac).

Two decades ago, Kenya had some 20,000 black rhinos. Today the figure is generally put between 500 and 600 — and falling.

In Amboseli Park, under the shadow of Mt. Kilimanjaro across the Tanzanian border, a mere seven black rhinos remain.

Part of the Amboseli problem dates from the 1970s, when local Masai warriors speared hundreds of rhinos in protest against the government using their land as a game reserve.

Nairobi National Park now has 17 black rhinos brought in from other less-protected areas.



US game warden inspects black rhino killed in Kenya

Last year, a survey produced for the International Union for Conservation of Nature by David Western and Lucy Vigne reported that Kenya had 550 black rhinos, compared with 1,500 in 1980. The survey covered 18 countries, and it showed the number of black rhinos had declined from some 14,000 to 15,000 in 1980 to 8,000 to 9,000 in 1984.

"Unless . . . national conservation plans are formulated immediately in the East and Central African countries," Dr. Western and Ms. Vigne reported, "most of Africa's remaining rhinos could be poached within the next five years."

Daniel Sindiyo is indignant. "We are looking for help to save the rhino, and we are working hard," he remarked. "No one eats the rhino, but we are being exploited by the demand for daggers and for magic."

The answer, he thinks, is to gather thinly scattered rhinos together behind fences and guns. The government already has an anti-poaching unit, set up in 1978 with help from the World Bank, but much more help is needed.

Sindiyo was in New York recently trying to raise $1.5 million for the sanctuary campaign.

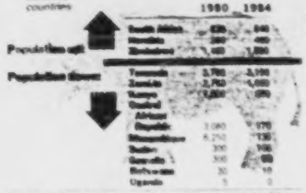
One suggestion has been to remove the horns from living rhinos so that poachers would have no incentive to shoot them.

But Mr. Sindiyo sweeps the idea aside. "I would rather that the species survives in its pure form, and with dignity, rather than be mutilated in this way," he said.

"Besides, you'd have to tranquilize the rhino to take off the horns which would only grow again anyway. You may as well move the . . . animal to where it will be safe."

The trouble is, Sindiyo says, that "the belief about rhino horns spreads like wildfire, while our appeals for help don't spread nearly as fast."

The ups and downs of Africa's black rhino population



In general, those countries showing an increase in rhino population have more effective poaching controls, better wildlife management and stricter policing of their national parks.

Source: International Union for Conservation of Nature, 1984

Zimbabwe calls out the troops in drive to save black rhino

By Jan Raath
Special to The Christian Science Monitor

Harare, Zimbabwe

A new kind of battle is being waged on a 185-mile-long stretch of flood plain in Zimbabwe's Zambezi Valley.

The battle is between specialized government troops and the Zambian poachers who are plundering in one of Africa's important black rhinoceros sanctuaries.

In early 1984, three rhino carcasses were discovered on the valley floor, their huge leathery muzzles defaced when their horns were hacked off.

It was a clear warning that the international trade in rhino horn had shifted its operations to Zimbabwe.

Rhino horn commands top dollar. In Singapore, the traditional hub of the trade, a kilogram (2.2 pounds) of horn can fetch up to $1,500.

And when sold in its final form to the public in apothecaries throughout the Far East, a kilogram of the substance can ultimately be worth up to $10,000.

Zimbabwe's black rhino population is now regarded by the International Union for the Conservation of Nature as being the most important on the African continent.

Numbering about 1,500, the powerfully muscled animals have lived in the Zambezi Valley undisturbed for centuries, prospering off the dense vegetation and ample water supply and protected by the hostile environment, the area's remoteness, and, in the last 30 years, an efficient network of game rangers.

But in the first three months of this year, poachers crossing the river from Zambia killed 22 rhinos. Patrols by the Department of National Parks and Wildlife Management proved inadequate, and the situation was worsened by lack of cooperation from Zambian authorities.

In late March, however, the problem came to the attention of Zimbabwean Prime Minister Robert Mugabe, an ardent convert to the cause of conservation.

In April, troops of the Zimbabwean Special Forces, a unit trained for anti-insurgency bush warfare and attached to Mugabe's central intelligence organization, were deployed in the area, as were men of Zimbabwe's police.

They had an almost immediate effect. Gangs have been surprised in ambushes and court appearances scheduled for those arrested.

"The situation has changed dramatically," said an official of the department of national parks. "The poaching is now being contained."

Still, official approaches to Zambian authorities have had little effect, although sources said recently that they had received "indications that things are beginning to move."

The parks official would not be specific, but Zimbabwe has given the Zambians information about six poachers who escaped capture, as well as the names and addresses of dealers in Lusaka, the Zambian capital, who are believed to have financed poaching operations.

Bears and Tigers Killed for Aphrodisiacs

Bears and tigers are increasingly falling prey to businessmen who are selling the animals' body parts at high prices for use as aphrodisiacs and medical "cures."

Despite laws in some states that ban the sale of certain protected wildlife or body parts, the American black bear finds itself increasingly within the sight of the poachers' gun. The reason: its head, claws, teeth — and gallbladder are worth plenty. When dried and ground for use as a treatment for arthritis or a lagging libido, the black bear's gallbladder sells for up to $70 per ounce.

As a result, illegal killing of the bears has increased enormously. In some areas, an estimated 65 percent of black bears killed were taken illegally, said Bill Cook, a wildlife management biologist at Great Smoky Mountains National Park in Tennessee, in a recent interview with the Wall Street Journal.

In the Republic of China, tigers are also falling prey to profiteers who make thousands of dollars from the sale of body parts of one tiger. Although there are only a few thousand tigers left in the world, there are no laws in Taiwan to protect them.

One Taiwanese businessman by the name of Chiu destroyed several tigers he owned during the past few months. The tigers were reportedly injected with an anesthetic before their throats were slashed, according to the China Post of Taipei.

Chiu first began his grisly business after slaughtering an animal in public outside the Hsikou Elementary School in Chiayi on Aug. 19, 1984. In another instance in October, more than 1,000 spectators gathered to watch six butchers slaughter a 131 pound (288 kilogram) tiger.

Tiger meat is popular in the Orient where it is reputed to cure a number of ills and to boost strength and virility. At the October slaughter in Chiayi, one tiger's skin sold for $3,250 in American dollars ($130,000 in Taiwanese dollars), and its penis sold for $1,500. Its bone sold for $250 per kilogram; its blood, $50 per bottle; its meat, $32.50 per kilogram; its gallbladder, for $125, and its liver, for $50.

The killings have sparked a number of individual protests — mostly of Americans and Europeans in Taiwan. And some legislators are urging the adoption of laws to protect the tiger and other wildlife.

A New Spectrum of Politics

"I think the idea of the [illegible] spectrum' is reaching [illegible] diminishing [illegible] need to rethink that para[illegible] develop a new spectrum [illegible] side of the new spectrum [illegible] those who look at things [illegible] how they promote sacred[illegible] On the other side would [illegible] who see things exclusively in utilitarian, instrumental, and productive terms. Most of us would come down somewhere in between because 'civilization' needs production,' but not at the expense of sacrificing life. [illegible] Everything could be viewed in terms of this new spectrum. If you look at legislative proposals, for example, the question that should be asked is, 'Will they enhance or detract from the sacredness of life?' Not just human life, but plant and animal life as well. This type of thinking will bring together [illegible] progressive constituencies — those fighting for feminism, animal rights, the environment, a weapons freeze, and many others, because in the end they are all really fighting for the sacredness of life."

—Jeremy Rifkin
Mother Jones magazine
Feb/March 1985

Senator MURKOWSKI. Thank you.

I was pleased to note your statement with regard to your organization's attitude on subsistence sealing. You would not oppose subsistence sealing.

Ms. BOE. We would not oppose a legitimate take. We are concerned about the potential for a commercial hunt to continue under the guise of subsistence take. As one who witnessed the hunt in 1983, I can say that as the hunt now takes place, there is an incredible amount of waste, and I can and will provide photodocumentation to the committee of a very large pit on St. Paul Island where tens of thousands of carcasses are dumped each year.

Senator MURKOWSKI. And I assume that those carcasses are partially consumed for some value? Have you got any definitive figures as to what is reasonable and unreasonable? That is always difficult.

Ms. BOE. No. I believe that that is something that requires careful thought. I do know that I was told 2 years ago that approximately 1,000 carcasses had been consumed that year, and I do not know if that meant up to the time I was there, which was early August, or if that represents the annual subsistence take. I think that the Aleuts will be able to provide the best information.

Senator MURKOWSKI. We will ask that group.

You more or less generalized on Senator Levin's position with regard to pelagic sealing as that not being a threat, and I am curious to your reaction, which I do not think it is necessary that it be repeated, but I would if you do not recall it, the letter from the Embassy of Japan indicating their expression with regard to the question of pelagic sealing. You do not consider that a potential or realistic threat in view of Japan's tremendous interest in the resources of the North Pacific?

Ms. BOE. No. I feel that it is definitely a red herring and not so much time should be devoted to it as has been. I know from——

Senator MURKOWSKI. Well, I am curious to pursue this, because it seemed to me that when we started this process back in the early 1900's, the generalization at least was to lay the blame on pelagic sealing. Testimony was given here that a couple of boats were seized and burned. But there was a threat then, and I am just curious to know why you would suggest that that threat is not realistic today.

Ms. BOE. The situation with respect to commercial sealing has changed dramatically. It is a completely different situation now. At the beginning of the 19th century the fur trade was at the end of its heyday, and pelagic sealing at that time when the first seal herd was much larger was to some extent something that many countries were probably interested in getting involved in.

The situation now, in 1985, is such that it really just does not deserve discussion in my opinion. And I find it remarkable——

Senator MURKOWSKI. Well, I do not dispute your opinion, but I do not necessarily suggest that it does not deserve some consideration.

Ms. BOE. Well, it comes down to economics, and there are no markets. And I think that Japan being the highly developed and economically sophisticated country that it is would be very unlikely to embark on such a losing enterprise.

Senator MURKOWSKI. I want to be sure that we give you a copy of the letter from the Japanese Embassy if you have not received it.

Ms. BOE. I would like Ms. Forkan, if possible, to comment on this question as well.

Senator MURKOWSKI. Surely.

Ms. BOE. Since it is the animal welfare panel.

Ms. FORKAN. Well, I was on the delegation in Tokyo this spring, and I talked at great length to members of the Japanese delegation and scientists from the Japanese Government. It was my definite understanding from them that their concern about pelagic sealing is not to reconstitute a ship to go out and make a business out of it. Their concern is that they have fishermen along their coasts who are complaining about the seals, and they simply are talking about seals that interact with some of their fisheries. That is the kind of pelagic sealing that I was told they are concerned about.

Senator MURKOWSKI. And you do not think that is a real threat?

Ms. FORKAN. That concerned me, and I spoke then to the commissioner from the Soviet Union. I was told that the seals that we are concerned about with Japanese pelagic sealing are, in fact, seals from the Soviet herd. The Soviet commissioner told me that if there were no treaty, the Soviet Union would continue in a bilateral agreement with the Japanese because they were concerned about their seal population and the interaction with the Japanese fisheries.

The NACOA report also mentions the exact same thing. I do not have the page. I think it is 19 and 20. NACOA concluded that the fur seals—let me see if I can find the right one. Anyway, I can say that in the pelagic section of the NACOA report they also conclude that the Soviet Union would, through their salmon agreements, take bilateral action against the Japanese if there was some resumption of pelagic sealing in that area.

That is my understanding having talked to the Japanese directly at the meeting and the Soviets at the meeting, and that was——

Senator MURKOWSKI. I assume you could construe that to mean each side would open up on pelagic sealing.

Ms. FORKAN. No. I construe that to mean that the Soviet Union was concerned about their herd, and they would take any action necessary to negotiate an agreement with the Japanese to make sure that pelagic sealing did not resume.

Senator MURKOWSKI. Well, there is always the question of the economics of pelagic sealing, but the reality is that to a large degree, it is done by fishermen to keep the seals from eating the fish.

Ms. FORKAN. Yes. I think that is what we are coming down to. I think that you would agree and everyone here would agree that it would be economic madness to begin pelagic sealing in the way that it once was conducted. The fact of the matter is that if you look at the incidental catch permits that are given to foreign fleets every year, which they have to obtain to be able to fish within our waters, you will find that the seals interacting with fishermen are not fur seals. They are sea lions and harbor seals. The amount of interaction with fur seals is quite minimal. And when you look at the permits within the foreign fleets, you will find that to be the case. Where they will be talking about incidentally killing hundreds of seals, they will be talking about harbor seals and sea lions. They will not be talking about fur seals.

So, we do not believe that the interaction with the fishermen is really something that is precipitously dangerous to the seals. In any event, no one is allowed to kill seals within our 200 mile zone, so that our U.S. fishermen as well as foreign fishermen would not be allowed to kill seals there.

NACOA has found that the area through which the seals return to their breeding grounds every year is very small. It is called the doughnut area, and it is unlikely that there would be much fishing interaction in that area when the seals are returning. That is my understanding. In most cases if there was fishing there, it would be with the Japanese. We have many ways to deal with Japanese on living marine resources. We do not need a treaty to kill 22,000 seals in order to be able to control a so-called threat of pelagic sealing. So we really think it is a myth that has lived far too long and needs to be put to rest.

Senator **Murkowski**. Well, we have differences of opinion on that, and that is what makes life interesting.

I think you would agree that NACOA is not a scientific body but rather an advisory committee.

Mr. **Grandy**. If I might say, Mr. Chairman, that is certainly correct. However, NACOA spent the better part of the last 9 months examining scientific evidence in detail. They solicited scientific evidence from scientists around the world, and specifically held numerous hearings. I am not here to defend the NACOA report, but I know that a lot of thoughtful effort went into that, and you will have a chance to question them later on the report.

Senator **Murkowski**. Ms. Boe, have you had an opportunity to visit a fur shop in Europe and make an inquiry on the demand of a fur seal coat?

Ms. **Boe**. Yes. I certainly have.

Senator **Murkowski**. Did you find any fur seal pelts there? Did you have a chance to check the prices?

Ms. **Boe**. No. I never saw fur seal pelts, as a matter of fact.

Senator **Murkowski**. Did you make any inquiry as to why they did not have any?

Ms. **Boe**. Yes, I did. Part of my research was to pose as a customer and inquire about various pelts, the fates of which we were interested in learning, because no one really knew at that time exactly what markets existed for seal products.

Senator **Murkowski**. What did you find?

Ms. **Boe**. In fact, it was consumer education. Later after we got the information to the EEC, the European Common Market decided to ban products from the commerical harp seal slaughter in Canada—harp and hooded seal slaughter.

Senator **Murkowski**. Well, I do not often have an occasion to wander around Europe's fur shops, but I happened to have an afternoon free in Paris about 4 months ago and wandered into three or four ladies' fur shops, and a few had fur seal coats. They were far beyond my means. I have no ability to judge fur and do not pretend to. I asked why there were not many more around, and they said they were having a very difficult time getting them. And that is neither here nor there, but I think to suggest that there is no demand is perhaps somewhat misleading.

Ms. Boe. Well, no doubt markets do exist because they have sold some pelts. It does not mean that the market is large, and it does not mean that it will continue, especially in light of the fact that the feeling against commercial sealing has, if anything, gotten stronger, and, in fact, the EEC, I am assured, will extend its ban indefinitely later this month at the meeting of the environmental ministers.

Senator Murkowski. Well, it is kind of hard to judge what fashion dictates with regard to skins. I noticed during the Carter administration there was a scarcity of mink in Washington, but there seems to be a substantial increase under the Reagan administration.

Ms. Boe. That reminds me that it is remarkable that although the fur seal pelts could be sold in the United States, they have not been for many decades. There is no market here.

Senator Murkowski. Oh, I think if you go to New York—I was there—you will find a substantial number of fur seals dyed brown, dyed black available, very expensive, very chic. I would be happy to provide you with some information on where you can look at them.

Ms. Boe. I would like to have that information.

Ms. Forkan. I might say that we looked for fur seals, not this year, but in the past, and we were told by the merchants that they basically kept them in the back because they were such a bad advertisement when the customers came in.

I also want to mention that as a result of the ban on the import of baby harp seals from Canada into Europe, the Canadians have been quoted as saying that the entire seal market has crashed in Europe. So that even though there was not a direct ban on adult seals, they have been affected.

Senator Murkowski. You are speaking of the harp seal.

Ms. Forkan. But there are other seals, there are hooded and others killed as adults, which have also dropped off in the marketplace.

Senator Murkowski. Now, these are the hair seal, though, as opposed to the fur seal; is that not correct?

Ms. Forkan. Yes. We do know the difference.

Senator Murkowski. I know, but some of the people out here perhaps might not know the difference.

Ms. Forkan. That may be possible.

Ms. Wallace. Could I respond very briefly to that point? One of the advantages of the Marine Mammal Protection Act and the U.S. national policy on this issue for the past 13 years, which will apply, should the Convention not be reratified, is any pelts taken for coastal, pelagic, or any other reason by Japan would not have access to the New York or other United States markets.

Senator Murkowski. I assume that is because of the fact that there is only one recognized processing facility; that is the one in South Carolina.

Ms. Wallace. No, sir. The animals would not have been killed in conformance with the Marine Mammal Protection Act and therefore their pelts' import would not be allowed into the United States, ~~as with prod~~ucts of many other marine mammals——

Senator **Murkowski**. You would not agree that the only commercial recognized pelts that are available on the market are those that are processed by this one firm because of their technique that has developed over the years, and that nobody else has been able to evidently accomplish this?

Ms. **Boe**. Actually, the Bergen-based company, G.C. Reiber & Co., which has for years processed most or virtually all of the pelts from the Norwegian and Canadian harp seal hunts also processes fur seal—Cape fur seal pelts from South Africa.

Ms. **Forkan**. As a matter of fact, the Fouke Fur Co. has not been allowed to import any seal products as required under the Marine Mammal Protection Act. However, they have tried in the past. They have tried to import South African baby seal products. They even tried to change the Marine Mammal Protection Act. And these were seals taken illegally in Namibia, at least perceived by some as so.

Senator **Murkowski**. Those again were not the fur seals.

Let me ask you this. In testimony I think that was given here by Dr. Grandy there was reference made to the decline of the fur seal stock, and the chart, which is available to the body assembled, starts out in an area of about 2¼ million and then drops down to the current level.

But if one looks at the harvest levels, there is a tremendous disparity. In 1956 when the population was 2.2, 2.19 million, there were 93,000 seals taken; in 1960 there were 40,000 harvested when the population was 1.7 million. So if you look at this, you quickly come to the conclusion that the population has still declined when the harvest has been reduced.

Now, I do not dispute your contention that whatever rationale went into the taking of females in the 1950's represents some analysis by game management either that there may have been an overpopulation for the grazing area, or to sustain themselves. But it would quickly become apparent even to a novice who was looking at your charts and the take that there is a great unexplained disparity. And something must be happening at sea or someplace else to have this substantial decrease.

Do you not agree to that?

Mr. **Grandy**. Well, clearly there is something going on with the biology of the seal. I would like to ask Dr. Lavigne, who is a fur seal biologist, perhaps to respond to some aspects of that question. And I would point out in passing, however, that that chart, that I presented was not mine. It was prepared by the U.S. Government and presented to the Fur Seal Commission.

Anyway, Dr. Lavigne.

Senator **Murkowski**. I would like you to address this specific question.

Mr. **Lavigne**. Yes. Thank you.

I would like to correct one perhaps misimpression. I would tend to call myself a seal biologist and not a fur seal biologist.

Senator **Murkowski**. Well, keep in mind this discussion here is a Fur Seal Treaty.

Mr. **Lavigne**. Yes, I will. I think you have touched on an extremely important point, one I think most scientists would agree that we do not know all the reasons for the decline in the population. I also think that it is impossible to rule out the effect of a harvest on subadult male fur seals on population trends.

It is quite possible that over a period of many years harvesting subadult males has had some impact not only on the age structure of the population but on the sex ratio of the adult breeding population. And this is one of the hypotheses that is available which may account for the decline in population numbers in recent years.

You want some more information on that? Well, one of the problems that might exist with the harvest of subadult males is the fact that the harvest may in some way, in ways that we do not understand, be selective, and it may in fact remove animals that were, if you will, that were in fact destined, if you will, to become harem bulls in the future. In other words, we may be selecting in some way that we do not understand for animals which are less suitable, if you will, to fulfill the role of harem bulls.

Really what we are talking about here is this whole concept of surplus males in a population such as the Northern Pacific fur seals is really a very naive scientific view of the population. Nature does not work to produce surplus animals. If these animals played no role and made no contribution to future generations either through their own reproductive activities or those of their close relatives, we would expect through the process of natural selection that such animals would disappear from natural populations. They have not. And it may very well be that they in some way contribute to the productivity of the population.

So what I am suggesting is in fact that the harvest of subadult males may in fact be a contributing factor in the decline, and I think it is a consideration that is overlooked, particularly in the environmental impact statement.

Senator **Murkowski**. Are you an American citizen, sir?

Mr. **Lavigne**. No, sir.

Senator **Murkowski**. It is necessary that we footnote your testimony. There is a requirement before all committees of Congress that foreign nationals testifying as a rule are prohibited from testimony.[1] In this case I am not going to do anything more than footnote it, but I wanted to do that for the record.

I am curious to know who "Snuggles" the seal is. Perhaps, Dr. Grandy, you could elaborate. These are ads that have been appearing under the sponsorship of the Humane Society of the United States.

Mr. **Grandy**. I would be happy to mention that. I think we will let our vice president for program and communication, who has also done a lot of work with the people who manufactured "Snuggles," answer that question.

Ms. **Forkan**. "Snuggles" is a symbol created by Emotions, a division of Mattel Toys to symbolize the plight of seals throughout the world. "Snuggles" is a harp seal. However, "Snuggles" is meant to be a mascot for everyone to relate to to say, "Let us save all the seals." Emotions came to us and said we have created "Snuggles," and we want to help you in your seal campaign. We told them that we were working on fur seals. They said fine. And that is what we have been doing.

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[1] Dr. Lavigne's prepared statement will be retained in the files of the committee.

And I might add we are going to have some "Snuggles" sheets and towels.

Senator **Murkowski**. I am sure you will. [Laughter.]

Ms. **Forkan**. And a little tent that children can use that looks like an igloo. [Laughter.]

Senator **Murkowski**. It is not the purpose of this issue to debate the issues of truth in advertising, but I cannot help but note the first line: "A fluffy white friend of the infant seal so highly prized for their valuable fur," and I suppose it would be inappropriate to say for their valuable hair, but it is a hair seal.

Ms. **Forkan**. Well, you know how it is working with advertising agencies.

Senator **Murkowski**. Just like working with government. You do the best you can.

Ms. **Forkan**. And we would be pleased to present you with a "Snuggles" at the end of the hearings.

Senator **Murkowski**. That is fine. As long as it is not over a hundred dollars. [Laughter.]

Ms. **Forkan**. I assure you it is not, and a dollar will go to the Humane Society for our campaign. [Laughter.]

Senator **Murkowski**. Oh, I thought it was going to be a gift.

Mr. **Grandy**. It is, but for every one that we give away or sell, Mattel donates a dollar to our campaign.

Senator **Murkowski**. The question of the contribution of the protocol is one that still disturbs me, because I guess we had a population of around 300,000 or thereabouts when we first got excited about this in the early 1900's. We have kind of touched on what the circumstances were, but to suggest that this has not been a meaningful or productive protocol, I think, would lead one to ask the obvious question: Where would the fur seal have been without it? And, again I would suggest that there is a large unknown between the statistical population over the last several decades and the effect of the harvest of the seals.

The opponents of the treaty, as evidenced by the first witness, objection to the commercial harvest—and I certainly respect that contention—are left with the reality that there is going to be a seal harvest with or without a treaty. There is going to be a harvest, either commercial or noncommercial. And where is the seal in the long run going to be better off? The witnesses obviously have differences of opinion, different views of analyzing the various evidence. And we can always use more scientific evidence than we currently have, and we have seen all types of scientific recommendations on whether males should be killed, or females should be killed. And I have watched in Alaska the female moose hunts authorized, and the success or failure, as well as the arguments over the grazing.

I do not know that there is any specific area that we have not covered in your testimony that would specifically further the record. I have no further questions for the panel.

Ms. **Forkan**. I have one comment, if I might, quickly. I mentioned the Pelly amendment. I did not believe the Pelly amendment would apply. The reason I say that is there are GATT restrictions. We believe that if we tried to block the import of all fish products from Taiwan or Korea or wherever, that it would violate GATT. So, the only thing that we could stop the import of in truth would be seal skins, and of course they are already here, so that would not apply. That is my assessment.

Senator MURKOWSKI. Well, I observe other aspects of the North Pacific fishery other than seals and find that there are occasions more numerous than we need to go into here where violations occur. There is movement of squid nets up to the northern waters, and substantial salmon are taken when they are not supposed to be, and we go on and on and on, and those situations are going to exist.

Tell me, Dr. Grandy, if the population were to what you would like to see it, which I assume is in an excess of where it was when the treaty was first initiated, would you support a commercial harvest?

Mr. GRANDY. I think that our views, the views of the Humane Society of the United States are well known on that, sir. We would not support a commercial harvest of seals. We frankly do not believe that it is appropriate to use the skins of wild marine mammals in that way. Our board of directors has taken a position on that, and that is a matter of public record.

Senator MURKOWSKI. Is that the position of the entire panel?

Ms. BOE. Yes, sir. That is also the position of Green Peace. We are opposed to all commercial hunting of seals.

Senator MURKOWSKI. Are you opposed to other forms of commercial hunting?

Ms. BOE. No, sir. We have no policies on any other——

Senator MURKOWSKI. It is only at sea?

Ms. BOE. With a couple of small exceptions.

Senator MURKOWSKI. What are the exceptions?

Ms. BOE. And we have no policies against subsistence hunting in any case.

Senator MURKOWSKI. So we would not expect a group from Green Peace to be on the Pribilofs if there is a subsistence hunt?

Ms. BOE. If there is a legitimate subsistence hunt, no. However, the decline of the northern fur seal is of such serious concern to Green Peace that should illegal sealing or sealing considered to be unreasonable subsistence take, I cannot say that Green Peace would not take action.

Senator MURKOWSKI. But regardless of the extent of the herds, you would object collectively as representatives of your organization to the commercial harvest of the fur seal?

Ms. EIDER. Friends of Animals is opposed to all hunting and all fishing—not fishing—trapping. I am sorry.

Senator MURKOWSKI. All hunting on public land or——

Ms. EIDER. Yes.

Ms. WALLACE. My understanding at this time is that the Animal Protection Institute is clearly opposed to the commercial harvest of wildlife.

Senator MURKOWSKI. That is land or sea or public or private or anywhere?

Ms. WALLACE. I must say I would have to consult with the board, sir. My specialty is the northern fur seal. And I believe along with the Institute and the rest of the panel, that the ecological and conservation grounds are sufficient for opposing the enterim convention, particularly under U.S. national policy on their issue.

Senator **Murkowski**. And you would or would not oppose subsistence hunting?

Ms. **Wallace**. We would accept a subsistence harvest. We cannot support it.

Mr. **Grandy**. I would just add that we would certainly support a subsistence harvest so long as it was for legitimately needed subsistence. I must say in that regard that some of the proposals that I have heard bandied about today which would give more than 20 fur seals or perhaps even more for every man, woman and child on the island are frankly, in our view, absurd. But we do understand subsistence needs.

I think you know, Mr. Chairman, that a year ago I visited the Pribilof Islands. I was there. I have a deep feeling for the people and for their culture and for their legitimate needs, but I frankly view the numbers that I have heard today as sort of political maneuvering, and we would have to review those very carefully.

Senator **Murkowski**. Well, assuming there is 750 residents on the islands, or thereabouts, and assuming that they utilized a substantial portion previously of the 20,000 one has to wonder what is a reasonable or an unreasonable figure. And I would suppose that we would have differing points of view on that. But I assume that you have considered the argument over and over that indeed without a treaty we would have a subsistence harvest and the exposure of pelagic sealing on the high seas, and you collectively feel that that threat is not sufficient to thwart your objection to the commercial harvest, which has been your statement.

Ms. **Boe**. That is right.

Mr. **Grandy**. That is correct.

Ms. **Boe**. If I might, Mr. Chairman, I would like to point out that all evidence that we have indicate that it is not correct that a substantial portion of the 22,000 seals taken each year is consumed by humans.

Senator **Murkowski**. I am going to give you a copy of this letter from the Embassy of Japan, and I want you to recognize the record will be open for 2 weeks, and if any of you would care to respond as to whether or not you feel that is a legitimate or illegitimate threat, your opinions would be highly valuable.

I thank you for your input and your point of view, and I think it has gone a long way to establish a record and something that my colleagues can deliberate on extensively, which in practice with the prevailing tendencies they probably will.

Thank you, and I wish you a good afternoon.

We will next move to representatives of conservation groups. We will start with the Audubon Society, Dave Cline: World Wildlife Funds, U.S., Buff Bohlen; Jack Berryman, executive vice president, International Association of Fish and Wildlife Agencies; Lonnie Williamson, secretary, Wildlife Management Institute; and Larry Merculieff, president, TDX Native Corp.

I would ask that you proceed in one order or another. I do not know. I called on Mr. Cline first simply because I usually start at the bottom of the agenda and work up.

Mr. Cline, if you would care to go first, would you identify yourself and your organization and your position?

STATEMENT OF DAVID R. CLINE, REGIONAL VICE PRESIDENT, AUDUBON SOCIETY

Mr. CLINE. Yes, Mr. Chairman. My name is David R. Cline, and I represent the National Audubon Society in Alaska.

I would choose just to highlight my remarks this afternoon and enter the entire statement in the record, along with a resolution that was passed by our national board of directors at their spring meeting in Seattle.

Senator MURKOWSKI. Your entire statement will be entered into the record as if read.

Mr. CLINE. As one of the oldest and largest conservation organizations in the United States, the National Audubon Society has a long history of supporting international treaties and agreements as proven mechanisms for promoting international cooperation in the conservation of wildlife.

Today we are recommending that the U.S. Senate gives its advice and consent to the President to ratify the 1984 protocol to the Interim Convention on Conservation of North Pacific Fur Seals.

We feel, Mr. Chairman, that despite shortcomings of the fur seal treaty it does have a solid record of achievement in international wildlife conservation since its adoption in 1911. And I think in all fairness to the many dedicated scientists that have tried to work under this treaty over the years that we have to realize that they are always dealing with very scarce resources, and a species that ranges over hundreds of thousands of square miles. That is a very vast habitat. The ecosystem that they are looking at is very complex, and of course now they are dealing with very new and complex problems that are affecting the health of that ecosystem.

So I think there is a real fair question that must be asked; what would the situation be today without the treaty. We do in fact have population declines of wildlife species under other treaties. In fact, as you are probably well aware, Mr. Chairman, groups like Audubon, other national conservation organizations, the Yupik-speaking Eskimos of western Alaska, State and Federal wildlife agencies and sportsmen along the Pacific coast of the United States are all working together to reverse very tragic population declines in four species of geese that nest in Alaska. And we are doing this under the Migratory Bird Treaty Act. Yet, we hear nobody suggesting that that treaty be thrown out as one of the solutions to restoring these beautiful birds to healthy population levels.

Although we are unaware of any conclusive scientific evidence that indicates current levels of harvest of subadult male fur seals is a significant factor in the decline of the population, we do feel there is need for great caution. Any harvests of fur seals that are to occur, therefore, whether for subsistence or commercial purposes, should be very conservative ones. Should new scientific evidence indicate that human harvests are, indeed, contributing to the decline of the fur seal population, then Audubon will, in fact, support reducing or halting these harvests until the population recovers.

We recognize the importance of providing continued opportunity for nonwasteful uses of fur seal by residents of the Pribilof Islands. The Aleut people deem such uses essential to their physical, economic, traditional, cultural existence. The Aleuts, in our opinion, have been some of the best protectors of the seals and their habitats over the years, and we have worked as allies in conservation with the people on the island on numerous occasions.

Audubon feels that improved international cooperation in research, education, management, and law enforcement will be vital to dealing effectively with current and future threats to the fur seal. Audubon recommends, therefore, that ratification of the Interim Convention be contingent on the U.S. Government taking the following actions.

First, support the Marine Mammal Commission's recommendation that a species recovery plan be developed promptly for the North Pacific fur seal. Such a plan should intensify cooperative scientific efforts to determine the case of the fur seal population decline, and recommend prompt actions to reverse it.

Second, establish a scientific task force to evaluate and integrate all available information on the Bering Sea ecosystem and determine the consequences of intensifying resource utilization of natural food chains of which the fur seals are a component.

Third, prohibit disposal at sea in the Convention areas of all synthetic materials, including fish nets or parts thereof, fishing gear, ropes, and other debris. We feel that a "no discard" stipulation should be included in all fishing permits of operators in the Bering Sea.

And lastly, initiate a cooperative education program to help make fishermen and vessel operators more fully aware of the problems associated with discarded gear and other debris on marine wildlife.

With potential threats to the fur seals from intensifying commercial fishing activities and oil and gas leasing in the Bering Sea, it is more important than ever before to retain the treaty as a mechanism for promoting international cooperation in conservation of the fur seals.

On the other hand, we feel that failure to ratify the Interim Convention would be a disincentive for such cooperation. This, in turn, would endanger the seals with indiscriminate, unregulated killing similar to that taking place with polar bears, Pacific walrus, and sea otters along the Alaska coast. Incidentally, this is all taking place under the Marine Mammal Protection Act of 1972. Therefore, we do not believe that doing away with the treaty and falling back on that act is a viable conservation alternative.

In conclusion, the National Audubon Society believes that the cornerstone for conservation of North Pacific fur seals is continued international cooperation based on findings of scientific research. Such cooperation is more important than ever before because of the dramatic changes taking place throughout the range of fur seals as a result of intensifying human demands on marine resources.

We are convinced that ratification by your committee of the protocol extending the Interim Convention would be in the best long-term interest of the seals, the four nations involved, and the proud people of the Pribilof Islands.

Thank you very much for your consideration.

[Mr. Cline's prepared statement follows:]

National Audubon Society
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TESTIMONY OF DAVID R. CLINE

REGIONAL VICE PRESIDENT

NATIONAL AUDUBON SOCIETY

ON

RATIFICATION OF THE PROTOCOL EXTENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

SUBMITTED TO THE

FOREIGN RELATIONS COMMITTEE

UNITED STATES SENATE

JUNE 13, 1985

AMERICANS COMMITTED TO CONSERVATION

Mr. Chairman and Members of the Committee, I am David R. Cline, regional vice president for the National Audubon Society in Alaska. As one of the oldest and largest wildlife conservation organizations in the United States, Audubon has a long history of supporting international treaties as proven mechanisms for promoting international cooperation in the conservation of wildlife. We strongly supported adoption of the Fur Seal Treaty in 1911, the Interim Convention on Conservation of North Pacific Fur Seals in 1957, and all protocols extending the convention since that time. Today, we are recommending that the U.S. Senate give its advice and consent to the President to ratify the 1984 Protocol to the Interim Convention on Conservation of North Pacific Fur Seals.

The Fur Seal Treaty has a solid record of achievement in international wildlife conservation since its adoption in 1911. Research and management activities performed on fur seals in connection with the treaty are recognized by the scientific community as some of the most outstanding ever designed and carried out on a migratory species of marine mammal.

Scientists with the National Marine Fisheries Service estimate that the population of fur seals on the Pribilof Islands prior to exploitation by western man stood at approximately 2.0 to 2.5 million. By 1912, they had been reduced to an estimated 300 thousand primarily due to indiscriminate slaughter on the high seas. But with the adoption of the Fur Seal Treaty by Canada, Japan, the Soviet Union, and the United States in 1911, the population was restored. Today, the total population of North Pacific fur seals is estimated at 1.2 million, with 819,000 of these inhabiting the Pribilof Islands in the Bering Sea.

Over the past decade, scientific evidence indicates that fur seals, sea lions and several species of marine birds on the Pribilof Islands have been declining in number. The average annual rate of decline for fur seals has been about 6.5 percent. Increased natural mortality due to entanglement in commercial fishing nets and other debris on the high seas, disease, predation, fluctuating food supplies and other biological factors are suspected to be contributing to the decline.

Although we are unaware of any conclusive scientific evidence that indicates current levels of harvest of subadult male fur seals is a significant factor in the decline, we feel there is need for great caution. Any harvests of fur seals that are to occur, therefore, whether for subsistence or commercial purposes, should be very conservative ones. Should new scientific evidence indicate that human harvests are indeed contributing to the decline of the fur seal population, then Audubon will support reducing or halting them until the population recovers.

We recognize the importance of providing continued opportunity for nonwasteful uses of fur seals by residents of the Pribilof Islands. The Aleut people deem such uses essential to their physical, economic, traditional, and cultural existence. The Aleuts have been among the best protectors of the seals and their habitats over the years, and have conducted their annual seal harvest consistent with scientific principles and in the most humane manner possible.

Improved international cooperation in research, education, management, and law enforcement will be vital to dealing effectively with current and future threats to the fur seals. Audubon recommends, therefore, that ratification of the Interim Convention be contingent on the United States government taking the following actions:

1) Support the Marine Mammal Commission's recommendation that a "Species Recovery Plan" be developed promptly for the North Pacific fur seal. Such a plan should intensify cooperative scientific efforts to determine the cause of the fur seal population decline, and recommend actions to reverse it.

2) Establish a scientific task force to evaluate and integrate all available information on the Bering Sea ecosystem, and determine the consequences of intensifying resource utilization of natural food chains of which the fur seals are a component.

3) Prohibit disposal at sea in the convention areas of all synthetic materials, including fish nets or parts thereof, fishing gear, ropes, and other debris. "No discard" stipulations should be included in all fishing permits.

4) Initiate a cooperative education program to make fishermen and vessel operators fully aware of the problems associated with discarded gear and other debris on marine wildlife.

5) Support the recommendation of Senators Ted Stevens and Frank Murkowski of Alaska that an "International Conference on Resource Management in the Bering Sea" be held in the near future. Such a conference would be aimed at sharing information on resource problems of international significance, and educating the public on the need for greater international cooperation in the protection and management of shared marine resources.

With potential threats to fur seals from intensifying commercial fishing activities and oil and gas leasing in the Bering Sea, it is more important than ever before to retain the treaty as a mechanism for promoting international cooperation in conservation of the species.

Failure to ratify the Interim Convention, on the other hand, would be a disincentive for such cooperation. This, in turn, could endanger the seals with indiscriminate and unregulated killing similar to that taking place with polar bears, Pacific walrus, and sea otters. Furthermore, it would bring into question the credibility of the United States in terms of long standing commitments to the conservation of migratory wildlife.

We are hearing that the treaty isn't needed anymore because we have the Marine Mammal Protection Act of 1972 to protect the fur seals. Audubon does not believe this is a viable alternative. First of all, the Act applies only to waters within 200 miles of the United States coast. The majority of fur seals travel outside this zone during their annual migrations. Of greater significance, however, is the Act's record of performance. I would like you to know, Mr. Chairman, that based on my 14 years as a wildlife biologist in Alaska, I know of no national conservation law that has worked so poorly and that has gained so little respect. Under this Act, species such as the polar bear, Pacific walrus, and sea otter are being killed indiscriminately along the Alaska coast. For example, the U.S. Fish and Wildlife Service (the federal agency with jurisdiction over these species) reports that an estimated 283 polar bears, including females with cubs, and 7,000 walrus, were killed in Alaska this past year. The majority of the bears were taken for their hides, and the walruses beheaded for their ivory tusks with their carcasses wasted. The take of sea otters is reported "unknown" but "high," with calls coming into government offices almost daily from people who want to start hunting sea otters for profit. Meanwhile, the agency's marine mammal research and management funds have been cut to a bare bones minimum. Even worse, legal hunting seasons and harvest regulations to control kills of the three species have yet to be adopted. This is not the kind of wildlife management the National Audubon Society can or will support. We certainly don't want it applied to fur seals.

I have attached a resolution to my testimony that I respectfully request also be included in the hearing record. The resolution which supports ratification of the Interim Convention was passed by our national board of directors at their spring meeting in Seattle, Washington on April 29, 1985. It is significant to note that a number of the most prominent wildlife scientists in North America, along with former Governor of Alaska Jay S. Hammond, were among the board members who helped develop the resolution.

In conclusion, the National Audubon Society believes that the cornerstone for conservation of North Pacific fur seals is continued international cooperation based on the findings of scientific research. Such cooperation is more important than ever before because of dramatic changes taking place throughout the range of fur seals as a result of intensifying human demands on marine resources. We are convinced that ratification by your Committee of the Protocol extending the Interim Convention for the Conservation of North Pacific Fur Seals will prove in the best long-term interests of the seals, the four nations involved, and the proud people of the Pribilof Islands.

Thank you very much for your consideration.

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National Audubon Society
NATIONAL CAPITAL OFFICE
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RESOLUTION

CONSERVATION OF NORTH PACIFIC FUR SEALS

WHEREAS the "Interim Convention for the Conservation of North Pacific Fur Seals" has a solid record of achievement in international wildlife conservation since its adoption in 1911;

WHEREAS failure to ratify the Interim Convention would subject fur seals to the danger of indiscriminate and unregulated killing on the high seas;

WHEREAS past and current research on the fur seals pursuant to the treaty is recognized by the scientific and conservation communities as some of the most outstanding ever designed and carried out on wildlife populations;

WHEREAS improved international cooperation in research, education, management and law enforcement will be vital to dealing with threats to the fur seals from entanglement in fish nets, increased natural mortality due to disease, predation, fluctuating food supplies and other biological factors;

WHEREAS continued opportunity for nonwasteful uses of fur seals by residents of the Pribilof Islands is essential to their physical, economic, traditional and cultural existence;

WHEREAS current declines in the Pribilof Island fur seal populations are serious and merit adoption of scientific management principles to the Interim Convention; and

WHEREAS opposition to the Interim Convention poses a serious threat to treaties as effective mechanisms in promoting international cooperation in wildlife conservation;

THEREFORE BE IT RESOLVED that the National Audubon Society supports ratification of the "Interim Convention for the Conservation of North Pacific Fur Seals" by the United States Senate;

BE IT FURTHER RESOLVED that the National Audubon Society recommends that ratification of the "Interim Convention" be contingent on adoption of scientific management principles that insure the problems confronting the fur seal population will be resolved in a timely manner.

Senator MURKOWSKI. Thank you very much, Mr. Cline.

We have a vote on, and I am going to have to go; so I suggest you all get up and stretch, and I should be back in about 5 minutes. Thank you.

[Whereupon a 5-minute recess was taken.]

Senator MURKOWSKI. I think we had completed Mr. Cline's testimony. We will proceed with the next witness in any order that you care to proceed.

Mr. Bohlen.

STATEMENT OF E.U. CURTIS BOHLEN, SENIOR VICE PRESIDENT, WORLD WILDLIFE FUND-UNITED STATES

Mr. BOHLEN. Mr. Chairman, I am Curtis Bohlen, senior vice president, World Wildlife Fund. I appreciate the invitation to appear before the committee to testify in support of the Interim Convention on Conservation of North Pacific Fur Seals.

As a former Deputy Assistant Secretary of the Interior for Fish, Wildlife and Parks, and more recently as senior vice president of World Wildlife Fund, I have been privileged during the last 15 years to have had the opportunity to negotiate a number of international wildlife treaties on behalf of the United States, and to work with other nations and nongovernmental organizations in implementing these and other wildlife agreements. For 9 of those years, I had occasion to work on the wildlife issues of Alaska and to develop a deep understanding of the resource needs of the Aleut Indian and Inuit peoples and their commitment to the conservation of wildlife and habitat.

World Wildlife Fund, the world's largest privately funded conservation organization, is dedicated to protecting and maintaining the living natural resources upon which the human race depends. Toward this end, we help fund the work of scientists, wildlife specialists, and park managers throughout Latin America, Africa, and Asia.

We have learned that conservation in the developing countries, if it is to be effective, must have the support of the local people. They are becoming increasingly aware that it is in their long-term self-interest to maintain plant and wildlife resources at a sustainable level. Effective conservation requires an understanding of the interdependence of living creatures, an ecosystem approach to research, regulated use of living resources, and economic benefit to local people.

These same requirements apply to the management of the North Pacific fur seal. Any individual has the right to oppose or even abhor the killing of fur seals, or any other wild or domestic creature for that matter. But it would be wrong to conclude that a cessation of all killing would bring about effective conservation of the fur seal, and would restore its population to optimum levels. Nor would such an approach provide for the legitimate needs of the Aleut inhabitants of St. Paul and St. George Islands.

World Wildlife Fund's objectives in this case are simple and straightforward; namely, to reverse the decline in the fur seal population, to restore to optimum level, and to provide for the legitimate subsistence needs of the Pribiloff Islanders. I believe all proponents and opponents of this Convention can agree on these objectives. The only question is how to achieve them in a manner that is rational and most likely to achieve success.

Mr. Chairman, some of those people who oppose the killing of seals as a matter of principle say that this Convention is inadequate and that we should stop it and negotiate a better Convention. Others say that the Convention is unnecessary because we have other domestic legislation that will protect the fur seals.

Neither of these assertions stands up to close scrutiny. It is not easy these days to negotiate international agreements that will adequately protect migratory animals. At best it is a long and drawnout process. In my experience it is far better to work to improve the implementation of an existing agreement than to try to negotiate a new one. This is particularly true in the case of the Fur Seal Convention.

The Convention itself is not the problem. It may not be a perfect instrument, but it is legally sufficient to accomplish our objectives; it does provide the necessary framework to protect the international fur seal population. That protection can never be achieved by domestic legislation alone. I could cite you one example after another of migratory species that have been protected by a nation at one end of their range, yet continue to decline because elsewhere the species is being hunted without restriction or its food supply or habitat is being destroyed. It has been demonstrated over and over again that migratory species can only be protected through international cooperation.

Such international cooperation is essential to effective management of the fur seal. Without it we will never be able to determine the causes, let alone reverse the decline of this population. The surest way to kill all hope of such cooperation is for one nation to unilaterally abrogate its responsibility under the Convention.

Historically, the United States has been an effective leader in world conservation. We have pioneered the concept of protecting migratory species through international conventions. For our Government to renege on a commitment, to withdraw from a convention without very good cause, would be devastating to international conservation. How could we continue to hold other nations accountable under other wildlife agreements when they face similar internal political pressures?

Mr. Chairman, I submit that no witness you have heard today has demonstrated good cause for us to renege on our obligations under the Convention. If we want to stop the decline of the fur seal population and allow it to rebuild, there is no other international mechanism that can hope to achieve that objective, and there is no more effective domestic legislation than the Fur Seal Act of 1966 which implements this Convention.

Some say that we do not need the Fur Seal Act, that we can rely on the Marine Mammal Protection Act of 1972. As one who cares deeply about fur seals, I would shudder at the prospect of leaving them to the whims of that particular legislation. As the previous witness has already addressed, the Marine Mammal Act has failed to adequately protect marine mammal populations in Alaska.

I believe everyone agrees that we should continue to permit the taking of fur seals to meet the subsistence needs of the Pribilof Islanders. The continuation of that taking must be tightly controlled. In my opinion, such control can only be accomplished under the provisions of the Fur Seal Act. Under the MMPA, the Secretary of Commerce can only apply controls on subsistence take if the population is found to be depleted. To arrive at such a finding is a lengthy process that could never be completed in time for this year's hunt. Under the Fur Seal Act we have a highly controlled hunt of subadult bachelor males. Under the MMPA we could have the indiscriminate killing of females, the use of firearms, which would be highly disruptive to the breeding colony, and the prolonged taking by uncontrolled individuals causing added disruption. The act could also permit other natives living along the Aleutian Island chain to take fur seals for subsistence purposes without restriction—an activity that is not permitted under present law. In short, Mr. Chairman, the ultimate toll on the fur seal population under the authority of the MMPA could well be higher than the allowable take at present.

I hope the committee will carefully weigh the risks that are implicit if the United States fails to ratify the protocol. No two people seem to agree as to the amount of pelagic sealing we can expect if the Convention expires. I for one believe there would be a significant increase in unreported killing of seals by Japanese fishermen who view the fur seal as their principal competition. No two lawyers agree on which domestic legislation would control subsistence taking if the Convention expires. Those people who oppose hunting as a matter of priniciple could keep the issue tied up in the courts long enough to prevent any subsistence take this season.

Senator MURKOWSKI. I wonder if you could summarize your statement, Mr. Bohlen.

Mr. BOHLEN. Certainly, Mr. Chairman.

I will close by just addressing the question of the present commercial hunt. I am personally persuaded by all the scientists I have talked to that the best available evidence indicates the annual harvest itself is not contributing to the decline of the population. Notwithstanding that conclusion, I believe the quota should be reduced. I believe the situation in the Bering Sea is sufficiently serious that we must exercise extreme caution.

The U.S. Government should recommend a reduction in quota, and the U.S. Commissioner should take immediate steps to seek the concurrence of the other three parties to such a reduced quota. The setting of a responsible level of take requires careful consideration to ensure that it meets the continued subsistence needs of the Pribilof Islanders. In my opinion it is difficult to justify the taking of fur seals for purely commercial reasons as long as this population continues to decline.

I am not qualified to judge what the exact quota level should be. However, I would hope that after a careful review of all relevant factors, the quota could be reduced to a level of between 15,000 and 17,000 animals.

Thank you, Mr. Chairman.

[Mr. Bohlen's prepared statement follows:]

TESTIMONY OF E. U. CURTIS BOHLEN
Senior Vice President
World Wildlife Fund-U.S.

On The Interim Convention
On Conservation of
Northern Pacific Fur Seals

Before the

Committee on Foreign Relations
United States Senate

June 13, 1985

Mr. Chairman:

I appreciate the invitation to appear before the Committee to testify in support of the Interim Convention on Conservation of North Pacific fur seals.

As a former Deputy Assistant Secretary of the Interior for Fish and Wildlife, and more recently as Senior Vice President of World Wildlife Fund-U.S., I have been privileged during the past 15 years to have had the opportunity to negotiate a number of international wildlife treaties on behalf of the United States and to work with other nations and non-governmental organizations in implementing these and other wildlife agreements. For nine of those years I had occasion to work on the wildlife issues of Alaska and to develop a fair understganding of the resource needs of the Aleut Indians and Eskimo peoples and their commitment to the conservation of wildlife and habitat.

World Wildlife Fund, the world's largest, privately-funded, conservation organization is dedicated to protecting and maintaining the living natural resources upon which the human race depends. Toward this end we help fund the work of scientists, wildlife specialists and park managers throughout Latin America, Africa and Asia. We have learned that conservation in the developing countries, if it is to be effective, must have the support of the local people. They must realize that it is in their long-term self-interest to maintain plant and wildlife resources at a sustainable level. Effective conservation requires an understanding of the interdependence of living creatures, an ecosystem approach to research, regulated use of living resources, and economic benefit to local people.

These same requirements apply to the management of the North Pacific fur seal. Any individual has the right to oppose or even abhor the killing of fur seals, or any other wild or domestic creature for that matter. But it would be wrong to conclude that a cessation of all killing would bring about effective conservation of the fur seal and would restore its population to optimum levels. Nor would such an approach provide for the legitimate needs of the Aleut inhabitants of St. Paul and St. George Islands.

World Wildlife Fund's objectives in this case are simple and straightforward: namely, to reverse the decline in the fur seal population, to restore it to optimum level and to provide for the legitimate subsistence needs of the Pribilof Islanders. I believe all proponents and opponents of the Convention can agree on these objectives. The only question is how to achieve them in a manner that is rational and most likely to achieve success.

Mr. Chairman, some of those people who oppose the killing of seals as a matter of principle say that this Convention is inadequate and that we should stop it and negotiate a "better" one; others say that the Convention is unnecessary because we have other domestic legislation that will protect the fur seals.

Neither of these assertions stands up to close scrutiny. It is not easy these days to negotiate international agreements that will adequately protect migratory animals. At best, it is a long and drawn out process. In my experience, it is far better to work to improve the implementation of an existing agreement than to try to negotiate a new one. This is particularly true in the case of the Fur Seal Convention. The Convention itself is not the problem. It may not be a perfect instrument, but it is legally sufficient to accomplish our objectives; it does provide the necessary framework to protect the international fur seal population. That protection can never be achieved by domestic legislation alone. I could cite you one example be after another of migratory species that have been protected by a nation at one end of their range, yet continue to decline because elsewhere the species is being hunted without restriction or its food supply or habitat is being destroyed. It has been demonstrated over and over again that migratory species can only be protected through international cooperation.

Such international cooperation is essential to effective management of the fur seal. Without it we will never be able to determine the causes, let alone reverse the decline, of this population. The surest way to kill all hope of such cooperation is for one nation to unilaterally abrogate its responsibilities under the Convention.

Historically, the United States has been an effective leader in world conservation. We have pioneered the concept of protecting migratory species through international conventions. For our government to renege on itment -- to withdraw from a convention without very good cause -- would be devastating to international conservation. How could we continue to hold other nations accountable under similar agreements when they face similar internal political pressure?

Mr. Chairman, I submit that no witness you have heard today has demonstrated good cause for us to renege on our obligations under the Convention. If we want to stop the decline of the fur seal population and allow it to rebuild, there is no other international mechanism that can hope to achieve that objective and there is no more effective domestic legislation than the Fur Seal Act of 1966 which implements this convention.

Some say that we don't need the Fur Seal Act, we can rely on the Marine Mammal Protection Act of 1972. As one who cares deeply about fur seals, I would shudder at the prospect of leaving them to the whims of that particular legislation. As the previous witness has so well demonstrated, the Marine Mammal Act has failed to adequately protect marine mammal populations in Alaska.

I believe everyone agrees that we should continue to permit the taking of fur seals to meet the subsistence needs of the Pribilof Islanders. The continuation of that taking must be tightly controlled. In my opinion, such control can only be accomplished under the provisions of the Fur Seal Act. Under the MMPA, the Secretary of Commerce can only apply controls on subsistence take, if the population is found to be depleted. To arrive at such a finding is a lengthy process that could never be completed in time for this year's hunt. Under the Fur Seal Act, we have a highly controlled hunt of sub-adult bachelor males. Under the MMPA, we could have the indiscriminate killing of females, the use of firearms which would be highly disruptive to the breeding colony, and the prolonged taking by uncontrolled individuals causing added disruption. The Act could also permit other Natives living along the Aleutian Islands chain to take fur seals for subsistence purposes without restriction, an activity that is not permitted under present law. In short, Mr. Chairman, the ultimate toll on the fur seal population under authority of the MMPA could well be higher than the allowable take at present.

I hope the Copmmittee will carefully weigh the risks that are implicit, if the United States fails to ratify the protocol. No two people seem to agree as to the amount of pelagic sealing we can expect if the Convention expires. I, for one, believe there would be a significant increase in unreported killing of seals by Japanese fishermen who view the fur seal as their principal competition. No two lawyers agree on which domestic legislation would control subsistence taking, if the Convention expires. Those people who oppose hunting as a matter of principle could keep the issue tied up in the courts long enough to prevent any subsistence take this season. If the Convention expires, we could lose all opportunity to increase the international research which is so desperately needed to determine the true causes of the fur seal population's decline. To me, Mr. Chairman, these risks are too great, particularly when they represent risks that we don't have to take and should not take. We must avoid any actions which could accelerate the present decline in the population.

In closing, let me address the question of the present commercial hunt and the quota level. I am personally persuaded by all the scientists

I have talked to that the best available evidence indicates that the annual harvest itself is not contributing to the decline of the population. Notwithstanding that conclusion, I believe that the quota should be reduced, I believe that the situation in the Bering Sea is sufficiently serious that we must exercise extreme caution. Until we understand what is happening to that rich, but vulnerable ecosystem, until we can curtail the apparent overfishing of pollack and other species, until we can elimnate the deadly menace of drifting nylon nets, and above all, until we can reverse the fur seal's decline, we must be prudent and eliminate all unnecessary risks to the viability of that population. The U. S. government should recommend a reduction in quota and the U. S. Commissioner should take immediate steps to seek the concurrence of the other three parties to such a reduced quota. The setting of a responsible level of take requires careful consideration to ensure that it meets the continued subsistence needs of the Pribilof Islanders and other factors. In my opinion, it is difficult to justify the taking of fur seals for purely commercial reasons as long as this population continues to decline.

I am not qualified to judge what the exact quota level should be, however, I would hope that after a careful review of all relevant factors the quota could be reduced to a level of between 15,000 and 17,000 animals. Thank you, Mr. Chairman, for the opportunity to express the views of World Wildlife Fund and I would be happy to answer any questions you may have.

Senator MURKOWSKI. Thank you very much, Mr. Bohlen. We appreciate your statement.

Mr. Williamson.

STATEMENT OF LONNIE L. WILLIAMSON, SECRETARY, WILDLIFE MANAGEMENT INSTITUTE

Mr. WILLIAMSON. Thank you, Mr. Chairman.

I am Lonnie Williamson, secretary of the Wildlife Management Institute; and we, of course, recommend that the protocol extending the Interim Convention be ratified.

The Institute's concern with this issue is the well-being of fur seal populations. Therefore, our comments will be limited to the biological and ecological aspects that govern the future of those animals.

The three basic program components needed to manage the fur seal population properly are the same as those required for other wildlife. Exploitation must be controlled, research must be conducted to determine the animals' needs and problems, and the research findings must be used to develop management strategies which subsequently are implemented to benefit the species.

The Convention provides the legal authority, direction, and funding to accomplish these necessary tasks. Uncontrolled pelagic sealing has been greatly reduced, important research has been completed, and management programs are benefiting from that research.

The need to maintain these program elements has not subsided and will not into the foreseeable future. Human intervention into the North Pacific will see to that. Consequently, it is vital that the Convention be extended.

Mr. Chairman, a high-ranking representative of the Japanese Government made a very cogent statement recently that highlights the need for a convention on the fur seals. He pointed out at a briefing on June 3 that the high seas taking of marine mammals or marine resources is tradition as well as Government policy in Japan. He predicted that in the absence of a convention, the Japanese authorities would be unable to withstand political pressures for pelagic sealing and that the practice would resume.

The detrimental effects of high seas taking are well known, and the convention grew out of the need to correct that problem. This situation alone warrants extension of the Convention. However, recent declines in some of the fur seal populations are added incentive to continue the research and management provided under the Convention.

The cause or causes of these declines have not been determined. The only potential villain to be acquitted by scientists thus far is the annual harvest. It should be noted, too, that other populations of animals also are experiencing unexplained declines in the North Pacific area. The real problem must be identified and resolved, and the convention is necessary to attaining that goal. Thus, we urge the committee to give the extension of this convention favorable consideration, and we recommend that it be ratified without delay.

Thank you.

[Mr. Williamson's prepared statement follows:]

Wildlife Management Institute

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Statement of Lonnie L. Williamson
before the
Senate Committee on Foreign Relations
on
Northern Pacific Fur Seal Convention
June 13, 1985

Mr. Chairman:

I am Lonnie L. Williamson, secretary of the Wildlife Management Institute which is headquartered in Washington, D.C. The Institute is staffed with professional natural resource management personnel. And its program has been devoted to the restoration and improved management of wildlife since 1911.

We recommend that the protocol extending the Interim Convention on Conservation of North Pacific Fur Seals be ratified by the U.S. Senate. That convention, in our opinion, is the foundation for continued scientific management efforts that are necessary to maintain and enhance northern fur seal populations.

The Institute's concern with this issue is the well-being of fur seal populations. Therefore, our comments will be limited to the biological and ecological aspects that govern the success or failure of those populations.

The three basic program components needed to manage fur seal populations properly are the same as those required for other wildlife. Exploitation must be controlled. Research must be conducted to determine the animal's needs and problems. And the research findings must be used to develop management strategies, which subsequently are implemented to benefit the species.

The convention provides the legal authority, direction and funding to accomplish these necessary tasks. Uncontrolled pelagic sealing has been greatly reduced. Important research has been completed. And management programs are benefiting from that research.

The need to maintain these program elements has not subsided and will not into the foreseeable future. Human intervention into the North Pacific will see to that. Consequently, it is vital that the convention be extended.

Mr. Chairman, a high-ranking representative of the Japanese government made a very cogent statement recently that highlights the need for a convention on fur seals. He pointed out at a briefing arranged June 3 by Senator Murkowski, that the high-seas taking of marine resources is tradition as well as government policy in Japan. He predicted that in the absence of a convention, the Japanese authorities would be unable to withstand political pressures for pelagic sealing and that the practice would be resumed. The detrimental effects of high-seas taking of fur seals are well known, and the convention grew out of the need to correct that problem. This situation alone warrants extension of the convention.

However, recent declines in some of the fur seal populations are added incentive to continue the research and management provided under the convention. The cause or causes of these declines have not been determined. The only potential villain to be acquitted by scientists so far is the annual harvest. It should be noted, too, that other populations of animals also are experiencing unexplained declines in the North Pacific area. The real problem must be identified and resolved. And the convention is necessary to attaining that goal.

We urge the Committee to give the extension of this convention favorable consideration, and we recommend that the Senate ratify the document without delay.

Senator **Murkowski**. Thank you very much, Mr. Williamson.

Mr. Berryman.

STATEMENT OF JACK H. BERRYMAN, EXECUTIVE VICE PRESIDENT, INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Mr. **Berryman**. Thank you very much, Mr. Chairman, for this opportunity to comment in support of the extension of the fur seal convention. I am going to condense my remarks and would appreciate having my full statement included in the record.

I think you are aware that the International Association of Fish and Wildlife Agencies consists of the fish and wildlife managing agencies of the States, provinces and Federal branches of the United States, Canada, and Mexico. I mention this because these agencies, in addition to their interest in the well-being of wildlife have a responsibility for its management. Also, because two of our objectives are: one to support rational, sound fish and wildlife management; the other to encourage workable, effective treaties where appropriate, to implement those concepts.

The Fur Seal Convention goes to the heart of those objectives. It is a fundamental matter of principle, a matter of deep concern. Scientific management is at stake, as well as this Nation's ability to work harmoniously with other responsible governments on a species whose habitat transcends national boundaries.

The Convention has provided the mechanism for continuing research and management based on sound data and conservation principles. It has demonstrated the ability of the responsible nations to work together effectively in this cause and the management results speak for themselves.

The principal reason for our support of the treaty is its benefit to the resource itself. Were the United States to fail to agree to an extension would not halt the taking of seal except on our own shores. What it would do would be to halt management and halt the research which supports that management, and it would remove the U.S. ability, as well as the ability of other responsible governments to work together for those proposes.

Concern has been expressed about a minor decline in the fur seal population in recent years. There is reason to believe that this is the result of other factors: pelagic harvest and accidental entanglement. Obviously, this will require international cooperation through continued research and the implementation of additional management measures to reverse the trend. The treaty provides the only means by which two of these known threats to survival of the species can be controlled.

The mechanism now exists to conduct the necessary research and to initiate the necessary management programs based on solid information. Should future studies reveal the need to reduce the harvest, the same mechanisms may be used to accomplish it. To date, no such recommendation has been made by responsible scientific bodies.

Mr. Chairman, as Mr. Bohlen so aptly pointed out, the fish and wildlife management programs of the United States are the envy of the world. This includes the leadership that has been displayed in a number of international conventions. They are models of international cooperation. The United States has taken a leadership role in these international arrangements. For the United States to pull out of the Fur Seal Treaty at this time would be viewed as an abdication of responsibility. This is an instance where scientific management is being emotionally and philosophically challenged. There is no practical alternative. If successful, that challenge could result in the demise of the seal, as well as the end of other international arrangements, treaties and related management practices. It is a key issue.

Mr. Chairman, this association supports the continuation of the convention, and as a matter of information, we intend to use our influence in any appropriate way on behalf of the treaty extension.

Thank you, sir.

[Mr. Berryman's prepared statement follows:]

STATEMENT OF THE INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON EXTENSION OF THE FUR SEAL CONVENTION

JUNE 13, 1985

Presented by Jack H. Berryman, Executive Vice-President

Mr. Chairman:

Thank you for the opportunity for this Association to comment in support of extension of the Fur Seal Convention.

I think you are aware that the International Association of Fish and Wildlife Agencies consists of the fish and wildlife managing agencies of the states, provinces and federal governments of the United States, Canada and Mexico. All 50 states are members, as are five U.S. Federal agencies, five Canadian provinces and the Canadian Wildlife Service. I mention this because two of the Association and its members' objectives are the encouragement and fostering of sound, rational, professional fish and wildlife resource management; and, the encouragement of effective, workable international arrangements. The Fur Seal Convention goes to the heart of these objectives--a fundamental matter of principle--a matter of deep concern. Scientific management is at stake, as well as this Nation's ability to work harmoniously with other responsible governments on a species whose habitat transcends national boundaries.

We first endorsed the treaty extension in 1979 by formal resolution at our 69th Annual Convention and expanded on that position in testimony before the Senate Foreign Relations Committee in a March 1981 hearing. More recently, the Association reaffirmed those earlier positions by action of the Executive Committee at its meeting here in Washington this March. Copies of that resolution and of our 1981 testimony are attached for the record.

The Convention to which the United States, Canada, Japan and the Soviet Union are parties and its predecessor agreements, have provided a sound basis for international management of the North Pacific Fur Seal since 1911. The Treaty is the only mechanism providing international management and conservation of fur seals throughout their migratory range in the North Pacific Ocean.

Implementation of the Fur Seal Convention, one of our oldest, is a classic success story. The Convention has provided the mechanism for continuing research and management based on sound data and management principles. It has demonstrated the ability of the responsible nations to work effectively. And, the management results speak for themselves. The seal population has increased from near extinction to abundance, to the point where it may be safely harvested, serving other interests of man.

The principal reason for support is for the benefit of the resource itself. For the U.S. to fail to agree to an extension would not halt the taking of seal except on our own shores. What it would do would be to halt management and to halt the research which supports that management. And, it would remove the United States ability as well as the ability of other responsible governments to work together.

Concern has been expressed about a minor decline in the fur seal population in recent years. There is, however, no scientific evidence at this point to suggest that this is a result of the management plan or the harvest. To the contrary, there is reason to believe that it is the result of other factors--pelagic harvest and accidental entanglement. These will require international cooperation through continued research and the implementation of additional management measures to reverse the trend. The treaty provides the only means by which two of these known threats to survival of the species can best be controlled.

Unless the treaty is extended, a return to pelagic sealing is a virtual certainty. It will be difficult, if not impossible, for Japan to maintain its present ban on pelagic sealing in the absence of the international arrangement and the binding nature of a treaty.

The problem of entanglement is known to have become more severe and could well be a cause of the recent population decline. The protocol now under consideration provides for more research on the problem of entanglement with nets and other debris and prohibition of disposal at sea of these items.

The mechanism now exists to conduct the necessary research and to initiate the necessary management programs based on solid information. Should future studies reveal the need to reduce the harvest, the same mechanism may be used to effectively reduce that harvest. To date, no such recommendation has been made by the responsible scientific bodies.

The fish and wildlife management programs of the United States are the envy of the world. This includes the leadership that has been displayed in a number of other international arrangements, including the Migratory Bird Treaty of 1916 which, like the Fur Seal Convention, is a model of international cooperation. The United States has taken a leadership role in these and other international arrangements. For the United States to pull out of the Fur Seal Treaty at this time would indeed be viewed as an abdication of responsibility.

This is an instance where scientific management is being challenged emotionally. There is no practical alternative. If successful, the same challenge can be the demise of the seal as well as of other international arrangements, treaties and other management practices. It is a key issue.

Mr. Chairman, this Association supports the continuation of the Convention. As a matter of information, we intend to use this Association's influence, in any appropriate way, on behalf of the Treaty extension until a decision is made on the issue.

Thank you.

Resolution No. 16

Extension of the Pacific Fur Seal Convention

WHEREAS, the Pacific Fur Seal Convention will expire in October 1980, and

WHEREAS, that convention has served admirably as the means of insuring a continued conservation regimen for the management of the Pacific fur seal herd to the benefit of the fur seals, the native people dependent upon rookery sealing for an important part of their livelihood, the American economy and the public generally,

NOW, THEREFORE, BE IT RESOLVED, that the International Association of Fish and Wildlife Agencies vigorously supports the extension of the Pacific Fur Seal Convention.

STATEMENT OF THE INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES TO SENATE COMMITTEE ON FOREIGN RELATIONS IN SUPPORT OF PROTOCOL ON EXTENSION OF NORTH PACIFIC FUR SEALS TREATY, MARCH 20, 1981

I am Wesley F. Hayden, Legislative Counsel for the International Association of Fish and Wildlife Agencies, an organization composed of fish and wildlife management agencies in the United States, Canada, and Mexico.

In that capacity I welcome and appreciate the opportunity being afforded for submission of the Association's views on the issue now being considered—that of extension of the North Pacific Fur Seals Treaty.

As an organization, we have a deep interest in the program for conservation of Pacific fur seals--perceiving it as fully consistent with our objectives, both in respect to the intrinsic value of that resource and in recognition that this approach to restoration of the fur seal population is a model of sound management policy and practice.

We consequently support the extension of the present Convention, believing that to be essential to the continued success of the program and to the realization of its accessory and dependent benefits.

Our position is based first and fundamentally on concern for the resource, that is, the seal population. Since all other aspects are subservient to the existence of a healthy seal population, it follows that these aspects, important as they may be, must nevertheless not be permitted to interfere with a management system that has demonstrated a powerful capability to produce optimum benefits for all interests, primarily and notably those of the seals themselves.

The system permits the careful and deliberate control of the numbers of animals in the herd at optimum levels. No other management alternative possesses this one unalienable and essential characteristic. In fact, those other possibilities that have been considered, formally or informally, would have within them the nucleus of ultimate disaster for the seal herds and their dependent beneficiaries. For example, any regimen that would permit the resumption of pelagic sealing would lead to limitless exploitation marked by wounding and crippling, wanton wastage of unretrieved animals, and worst an indiscriminate take of the various sex and age groups that would frustrate all conservation efforts. Although the data from the experimental abstention on St. George Island are not yet conclusive, a gradual increase in total natural mortality with all that implies in terms of increased disease, parasitism, pup deaths, and starvation, would likely occur with total abstention from rookery harvesting. It is clear that from the standpoint of the welfare of the species itself the Convention should be extended.

There are other supplemental but nevertheless extremely important benefits that will accrue from such a course. Of these, we consider the continued improvement in the lot of the Pribiloff Aleuts to be the most significant. The obvious humanitarian consequences of continuing to afford these isolated people an increasing measure of self-sufficiency and respect must be recognized.

An unrestrained seal population, were that to occur as a result of a total abstention policy, would probably lead to at least a temporary increase in consumption of fishes by a growing seal herd. This would come at a time when, by reason of an apparently unchecked human population, they would be hard put to supply essential protein foods.

Finally, we see the fur seals not as a potential renewable resource but as a real one that has contributed to the support of government and the public both directly and indirectly. It is a resource ideally suited to make these contributions by virtue of the necessity to constrain the natural increase in the fur seal's population size.

It is our considered judgment that this objective can best be served through the extension of the agreement between the most directly affected nations—the United States, Canada, Japan and the Soviet Union—for joint implementation of the seal conservation program as presently envisioned and without any substantative changes which would restrict management options or cripple its effectiveness.

We consequently endorse and recommend approval of the proposal now before this committee for a four-year extension of the pact as expeditiously as that can be accomplished, and for its timely implementation.

This statement reaffirms the position taken on the issue in a formal resolution adopted by the Association at its 69th annual convention in 1979 in anticipation of the scheduled expiration in the following year of the then-existing Treaty authority.

Senator MURKOWSKI. Thank you very much, Mr. Berryman.

The last member of the panel is Mr. Larry Merculieff. Larry is president of the TDX, the native village corporation that manages the harvest; is that correct?

Mr. MERCULIEFF. That is correct, Mr. Chairman.

Senator MURKOWSKI. Please proceed, sir.

STATEMENT OF LARRY MERCULIEFF, PRESIDENT, TANADGUSIX CORP. OF ST. PAUL

Mr. MERCULIEFF. Thank you, Mr. Chairman.

I realize that I do not represent an environmental or conservation organization. However, Aleuts are environmentalists and conservationists as a group, and so we believe it is legitimate to recognize us in this kind of a capacity.

When I asked an individual on the Senate Foreign Relations Committee staff if this might perhaps be a pro forma exercise in futility, the individual indicated that perhaps it might be. I hope that is not the case.

Senator MURKOWSKI. Well, I would like to reassure you that in spite of the belief of some of the staff that they run the committee or the Senate, why, we really do not think they do, and occasionally we have to remind them of that.

Mr. MERCULIEFF. Yes. I would like to personally thank you, Mr. Chairman, for taking the time and the effort to schedule us.

Senator MURKOWSKI. I would appreciate it if you would be inclined to point out to me, either for the record or otherwise, who the staff member was that gave you that indication, because he or she will not be around very long.

Mr. MERCULIEFF. Well, I do not want to do that, Mr. Chairman.

Senator MURKOWSKI. Well, that is your judgment.

Mr. MERCULIEFF. OK. And we hope that the noticeable absence of your distinguished colleagues and their staff is not an indication of this particular thing. And, you know, my people have come here several thousand miles, and they are all the leaders of the Pribilof Islands. And we respect the Senate Foreign Relations Committee, and we feel that we deserve similar respect.

Senator MURKOWSKI. Well, you are very observant.

Mr. MERCULIEFF. And you have certainly, from my opinion, been doing an excellent job asking some tough questions which they should listen to.

Senator MURKOWSKI. Thank you.

Mr. MERCULIEFF. OK. I am the president of the Tanadgusix Corp. We refer to it as TDX because it is easier to pronounce. We have 540 Aleut shareholders, most of whom are residents of St. Paul.

TDX, under the leadership of my board of directors and my administration, has been one of the most active organizations in Alaska in environmental issues in the Bering Sea. Beginning as far back as 1976 we initiated the concept of creating the Pribilof bird refuges in cooperation with National Audubon and U.S. Fish and Wildlife Service. After 7 years of hard work by all involved, the Pribilof Bird Refuge was finally established and became a reality. And we pursued this particular course of action in anticipation of future economic development activity on our pristine island.

We recognized the prospect of becoming involved in the Bering Sea fishery and oil and gas development activities because of our strategic location. Since our people value the environment and its natural constituents, we believed it would be necessary to seek the protection of law for valuable natural areas on the Pribilof Islands prior to any development occurring. We are pleased to have accomplished this task before many of the major developments actually occurred.

We have been actively involved in TDX in the entire oil and gas leasing process for tracts in the Bering Sea. We have participated in the scoping processes for the proposed Navarin and St. George Basins. We have testified at all public hearings on the draft environmental impact statements. We were instrumental in changing oilspill trajectory modeling, which input average annual environmental data to analyze seasonal environmental variations. We highlighted important oversights in the first environmental impact statements in such areas as potential oilspill impacts on uplands and nutrient upwelling zones key to the integrity of the Bering Sea ecosystem.

We have participated in the processes for creation of the Bering Sea bottomfish plans. We played a significant role in directing the first Dynumes modeling for fish interaction projections to input multispecies dynamic interactions. We believed that single species modeling was inadequate for quality resource management decisions and that predatory-prey relationships and interactions with marine mammals was extremely important.

TDX also played a major role in the formulation of St. Paul's economic development strategies. It was through TDX's efforts that State funds for the first phase construction of the St. Paul breakwater was acquired. TDX was key to attracting the oil and gas industry to St. Paul for staging their offshore oil and gas exploration. TDX pioneered the first local commercial fishing efforts in St. Paul's history by obtaining demonstration boats, developing college accredited fishing technology courses, establishing processing systems, and developing markets. We developed the tourism industry in conjunction with a major tour agency.

Most of this, Mr. Chairman, was accomplished in the last 3 years. Now, it would not be an exaggeration to state that St. Paul undertook one of the most aggressive, comprehensive economic mobilization efforts of any rural Alaska community, bar none.

With regard to statements made earlier, Mr. Chairman, about taxpayers subsidies to the Pribilof Islands, various groups have been very misleading with regard to the numbers. Obviously, the port moneys allocated to both St. George and St. Paul were allocated by the State of Alaska to the tune of about $22 million for ports to serve the American Bering Sea fishing fleet. That is added into their list of subsidies The $5.2 million for acquisition of Pribilof bird refuges was exchange of land owned by our corporations in return for the public to acquire our valuable natural area. And I could go on and on about how the public is being misled about the degree of subsidies provided to the Pribilofs.

I would like to get more to the meat of the particular issue at hand.

Senator MURKOWSKI. Let me ask you to summarize your remaining remarks.

Mr. MERCULIEFF. OK. I would like to get to the issue of the ecosystem in the Bering Sea, because we believe that is the real focus that should be placed here, not the seal harvest.

The fur seal decline is a cause of great concern to our people. We are distressed to see that so much attention is paid to the seal harvest issue and little to the real problems as we see them. We are concerned about the single species orientation of our opponents who are apparently ignoring the bigger issue of what is happening to the Bering Sea.

For example, Mr. Chairman, we know that fur seals, seals, sea lions, and two species of birds are declining. Prior to or in the late 1960's the sea lion population in the eastern Bering Sea numbered 60,000. In the late 1970's it numbered 25,000. Today it numbers 12,000. Reproductive failures of two key species of birds, murres, and kittiwakes, their reproductive success declined 84 percent over a 4 to 9 year period. That meant that 8 out of 10 birds that were born starved to death.

It is coincidental, Mr. Chairman, that all four species are in the pollock food web, and it is very important that we take note that the fur seals are not in isolation in the Bering Sea ecosystem.

We have also observed and are very distressed about the fact that there is no apparent exchange of information between the various scientific disciplines that are researching efforts in the Bering Sea. The fur seal scientists are not exchanging information with the other marine mammal scientists, with fish scientists, with bird scientists, and it seems to be very systemic. And the reason that apparently is taking place is because the manner and method in which Congress appropriates funds for scientific research; they are too narrow in scope and authority and too limited in their funding. And this is why the National Marine and Fishery Service has not met its mandate for an ecosystem approach to management of fur seals, because they do not have enough money.

I want to point out that if the treaty is terminated, we will lose 75 percent of all moneys available for scientific research, because we will lose Japan's, the Soviet Union's, and Canada's contributions.

So I will sum it up in one last statement, Mr. Chairman. We, unlike the opposition group, are going to propose constructive solutions. We are not simply going to attack something and back away. So what we are proposing is that, No 1, we have been able to get the University of Alaska to agree to sponsor a Bering Sea scientific workshop, at the beginning of the year. We are hoping to bring together blue ribbon scientists and policymakers to come up with a blueprint over the next 5 years for how to interact and synthesize information and scientific research between the different disciplines.

We are also proposing, Mr. Chairman, the creation of a scientific research center on St. Paul. We will even offer up the land, an interim facility if necessary, and that research center will be modeled after the Darwin Research Center in the Galapagos Islands.

If this ecosystem approach is not taken, we are fearful that these declines will not be arrested, and it cannot be done without the international treaty mechanism.

Thank you.

[Mr. Merculieff's prepared statement follows:]

Statement of
Larry Merculieff, President
Tanadgusix Corporation

before the
Senate Committee on Foreign Relations

June 13, 1985

Good afternoon. Thank you for this opportunity to present our case in support of ratification of the Fur Seal Treaty and the 1984 Protocol. My name is Larry Merculieff, President of the Tanadgusix Corporation (TDX). TDX is the St. Paul entity which contracted with the National Marine Fisheries Service to conduct the seal harvest in 1984. The corporation was organized pursuant to the Alaska Native Claims Settlement Act of 1971 and incorporated as a for-profit corporation under Alaska laws. TDX is owned by 540 Aleut shareholders, all of whom reside on or have direct family ties to St. Paul.

If it has any bearing on the credibility of my presentation here today, I have been certified by the State of Alaska Department of Education as an expert on Aleut History and Culture. I received my degree from the University of Washington in 1972 where I specialized in regional and community development and economics. In the past twelve years since graduation, I have worked in various executive capacities for profit making corporations - successfully I might add.

TDX, under the leadership of my board of directors and in my administration has been one of the most active organizations in Alaska in environmental issues in the Bering Sea. Beginning as far back as 1976, we initiated the concept of creating the Pribilof bird refuges in cooperation with National Audubon and the U.S. Fish and Wildlife Service. After seven years of hard work by all involved, the Pribilof Bird Refuge became a reality. We pursued this course of action in anticipation of future economic development activity on our pristine islands. We recognized the prospect of becoming involved in the Bering Sea fishery and oil and gas development activities because of our strategic location. Since our people value the environment and its natural constituents, we believed it would be necessary to seek the protection of law for valuable natural areas on the Pribilofs prior to any development occurring. We are pleased to have accomplished the task just prior to major developments occuring on our islands.

We have been actively involved in the entire oil and gas leasing process for tracts in the Bering Sea. We have participated in the scoping processes for the proposed Navarin and St. George Basin lease sales, 170 miles northwest and 150 miles southeast of the Pribilofs respectively. We have testified at all public hearings on the draft environmental impact statements. We were instrumental in changing oil spill trajectory modeling (which inputted average annual environmental data) to analyze seasonal environmental variations. We highlighted important oversights of the first environmental impact statements in such areas as potential oil spill impacts on uplands and nutrient upwelling zones key to the integrity of the Bering Sea ecosystem.

We have participated in the processes for creation of the Bering Sea Bottomfish Plans. We played a significant role in directing the first DYNUMES modeling for fish interaction projections to input multispecies dynamic interactions. We believed that single species modeling was inadequate for quality resource management decisions and that predator-prey relationships and interactions with marine mammals was extremely important.

TDX played a major role in formulation of the St. Paul economic development strategies. It was through TDX's efforts that state funds for the first phase construction of the St. Paul breakwater was acquired. TDX was key to attracting the oil industry to St. Paul for staging their offshore oil and gas exploration. TDX pioneered the first local commercial fishing efforts in St. Paul's history by obtaining demonstration fishing boats, developing college accredited fishing technology courses, establishing a processing system and developing the markets. TDX developed the tourism industry in conjunction with a major tour agency. Most of this was accomplished within the past three years. It would not be an exaggeration to state that St. Paul undertook one of the most aggressive and comprehensive economic mobilization efforts of any rural Alaskan community in modern history.

TDX, as the commercial development arm of St. Paul, has been on the forefront of accepting the challenge of moving the community from generations of government system workstyle to entrepreneurial systems essentially overnight under tremendous political, social and economic pressures. It must be recognized that much of these pressures were precipitated by animal protectionist groups which worked to decrease world wide demand for seal pelts and thus government revenues from the Pribilof seal harvest, which made the government harvest program unpopular. By the same token, it must be recognized that given the strategic location of the Pribilofs, we could have allowed massive, rapid and chaotic development on our small island in response to the pressures these protectionist groups brought to bear on us. Such a course of action on our part could have resulted in more destruction and disruption to wildlife and habitat on our small islands than all the seal harvests in history. It is much to our people's credit that we did not succumb to this pressure and opted for much more modest and controlled developments. Had we chosen a different direction, there would have been little any one could do to stop us then, and even now, since we own, in fee simple title, all land available for commercial development of any kind in the central Bering Sea.

We have been reasonably successful in running a for-profit corporation, utilizing normal business practices. Specifically with regard to the seal harvest in 1984, TDX applied private enterprise concepts of productivity, profitability and market diversification. Our operations were vertically integrated, meaning we strive to produce, process and market any and all fur seal by-products of any reasonable commercial value. Any business in our position would do the same thing. If the harvest is conducted in 1985, it will be the first year in the history of this program that the operation will be totally unsubsidized. We have heard criticism that we will receive money from Japan and Canada; however, we do not characterize this as a subsidy. We cannot produce thirty percent of the pelts at our expense for the benefit of these countries, and any business person knows that you must charge a fee for any service or go bankrupt.

We have sold all the pelts in the government inventory by contract. We sold raw, unprocessed pelts at prices considerably below sales prices for processed pelts. Pelt prices were down because pelt quality was low and market demand undeveloped. Utilizing business practices not exercised by the U.S. government, we are increasing prices, diversifying the markets and increasing demand. Presently, wholesale customers for processed pelts must be turned away for lack of ability to meet demand. The market conditions are good and getting better. We expect no problem of marketing any pelts. Our actions and success demonstrate our abilities to make sound business and economic development decisions. I hope such concerns are now put to rest.

The fur seal decline is a cause of great concern to our people. We are distressed to see that so much attention is paid to the seal harvest issue and little to the real problems as we see them. We are concerned about the single species orientation of our opponents who are apparently ignoring the bigger issues involving the entire Bering Sea.

For example, we know for a fact that seals, sea lions and two major Bering Sea bird species are experiencing severe population distress. Sea lions in the eastern Bering Sea reached a population of approximately 60,000 in the late 60's. The population declined to an estimated 25,000 in the late seventies and is now down to 12,000. Murres and kittiwakes, two bird species, have been experiencing major reproductive failures in the past five years to the point that reproductivity of Kittiwakes on St. Paul decreased 84% in a span of nine years between 1975 and 1984.

Kittiwakes, normally fish eaters, have been observed eating tundra berries. Sea lions, normally fish eaters, have been observed eating fur seals. Fur seal pelts taken in 1984 have been reported by local Aleut experts as being thinner than ever in anyone's memory. All three types of observations indicate possible food stress although there is no scientific evidence available that addresses this possibility. However, we do find it highly coincidental that 58% of the seal diet has been pollock, 60% of the sea lion diet is pollock, almost all of the murre and kittiwake diet is pollock and that pollock is one of the prime commercial species fished in the Bering Sea. But no scientist from any institution can tell us what is happening in the Bering Sea. We also find it disconcerting that scientists from the different disciplines (marine mammals, birds, fish) and from different bureaucracies are not coordinating or sythesizing data on the species related in food webs in the Bering Sea. Apparently this is systemic and not atypical of many scientific research programs. We do know that one of the major obstacles to such coordination is funding and the nature of funding of research programs.

Funding is too limited and too directed to allow flexibility to develop the necessary-highly complex and sophisticated ecosystem approach. For example, it is my understanding from government personnel that Japan and Russia outspend us on fur seal research. The Russians spend twice as much; and the Japanese, 50 percent more. This is on single species approach.

The National Marine Fisheries Service has these problems and therefore has not been able to implement an ecosystem approach to management of fur seals as originally mandated by Congress in the 1981 renewal of the protocol. Scientists from all disciplines, including the seal scientists, agree unanimously that this approach is essential for rational resource management, but all are frustrated by the inherent problems. It is clear to us that too much focus on the seal harvest issue and not enough on examining the substantive problems indicated by the big picture may be the death knell of not only the seals, but three other important species if their declines are related.

With regard to the Treaty itself, I would like to point out several relevant facts:

1. If the Treaty is terminated, international exchange of scientific research will no longer be mandated and new international vehicles for such exchange will have to be developed. In addition, research would be reduced by 75 percent. The development of an alternative may require a

significant amount of time, which we can ill afford, given the decline trend.

2. If the treaty is terminated, we already know the position of Japan with regard to pelagic sealing, the resumption of which we can ill afford given the decline tread.

3. International mechanisms for herd recovery management would have to be instituted no matter what is done to the Treaty since all seals migrate outside U.S. waters at one time or another.

4. We must be concerned about what the Soviet Union does with regard to its herds since approximately 20% of the U.S. herd intermix with the Soviet herd in any given year, therefore international cooperation is essential.

5. If the Treaty is abandoned in light of scientific support for the Treaty from all party governments, there must be serious evaluation made of impacts on the credibility of the United States in negotiating future migratory wildlife management agreements for such species as whales and birds. Dangerous precedents could be set unwittingly.

Specifically with regard to the seal harvest, this distinguished body must consider important complexities in this issue. Abandonment of the harvest may result in termination of the treaty and require, at a minimum, consultation with the party governments. Significant reductions in the harvest may have adverse impacts on ongoing scientific research on the unharvested St. George population. This research has been ongoing since 1973 and is scheduled to continue for three more years to encompass the full life-death and reproductive cycles of a generation of seals. And last, but not least, subsistence take of seals will take place with or without the Treaty and the implications must be carefully evaluated.

We, the Aleut people, are gravely concerned about the decline trends of all Bering Sea species and we will seek out any and all methods to reverse the decline. It is our recommendation that the best and most immediate methods are the Treaty mechanism, international cooperation, increased funding for research and use of a multidisciplinary scientific approach. We have taken the initiative, Mr. Chairman, by getting the University of Alaska to agree to sponsor a Bering Sea scientific workshop to be held sometime late this year or very early next year. We have obtained the support of most of the environmental and scientific community on using the Treaty mechanism for a well thought out and coordinated ecosystem approach. We even offer access to St. Paul for creation of a multidisciplinary scientific research center similar in concept to the Darwin research center in the Galapagos.

We hope that this controversy will not be controlled by ill-informed special interest groups which we believe are dangerously and narrowly focused on the wrong issues.

One point in this narrow focus must be addressed however. Campaigns have elicited emotional negative reactions to the harvest because of dramatic pictures of clubbing the seals. In 1968, research on killing methods was conducted by a task force composed of the U.S. Department of Agriculture Livestock and Inspection Division, National Academy of Sciences, Humane Society of the United States, U.S. Fish and Wildlife Service and National Marine Fisheries Service. The investigation included analysis of electrocution, captive bolt, mechanical stunning, shooting, cyanide and carbon dioxide asphyxia. Conclusion: none of the methods were more humane or more adaptable than the present methods.

In 1971, six veterinarians, experts on euthanasia, members of a special panel on euthanasia of the American Veterinarian Medical Association, Council on Research observed the seal harvest. Their conclusion was "the killing method was a painless, humane euthanasia and was in accordance with the definition of a humane slaughter set by the Humane Slaughter Act."

Thank you, Mr. Chairman. I will be pleased to answer any questions the Committee may have.

Senator MURKOWSKI. Thank you very much for your testimony. I believe, Mr. Bohlen, you indicated that you felt there should be a reduction in the harvest, and there has been a reduction each year, which I think you would acknowledge, oh, a thousand or so each year. And you indicated you did not have a particular figure in mind, but I think you generalized something in the area of 15,000; was that correct?

How do you suppose we go about looking at a lesser figure? Do we go back to the treaty participants and discuss it with them, or do we find scientific recommendation and the United States take it the rest of the participants and dictate it?

Mr. BOHLEN. I think, Mr. Chairman, we share the concern that Mr. Merculieff has just spoken to. We are not dealing with just a problem of the fur seal. We are dealing with a very serious situation in the Bering Sea of a number of declining resources. And before I directly answer your question, I would like to associate World Wildlife Fund with his efforts to establish this workshop to look at the overall problems that permeate the whole ecosystem. That is the only way in the long run we are going to find a solution. World Wildlife Fund would be willing and eager to assist with that workshop. I also support the idea of establishing a scientific research center on St. Paul for the same reasons.

It seems to me that in the present situation everyone recognizes the decline of the population, but there is no agreement on the cause because of the lack of coordinated ecosystem research. It is incumbent upon us to be cautious, to be prudent, and to me that means you cannot really justify a commercial harvest when the population is in such serious trouble.

So to answer your question I think it really depends on the Aleuts themselves to give us a clear answer as to what their legitimate subsistence needs are. I would be quite comfortable with that figure as a quota for the next season.

Senator MURKOWSKI. Well, Mr. Merculieff, let me ask you, can you indicate for the committee an idea of what the subsistence needs might be of your people?

Mr. MERCULIEFF. Yes, Mr. Chairman. However, other people will talk more specifically about it. House-to-house surveys have been conducted on both islands.

Senator MURKOWSKI. How many people are you including now, roughly?

Mr. MERCULIEFF. It is 150 people on St. George, 550 people on St. Paul. And the results of the house-to-house survey with documentation, which will be made available if queried, indicates somewhere between 15,000 to 16,000 as the number consumed for seal meat, for food. There has been several challenges to the integrity of our people with regard to these numbers. All I can say is they ought to come out there and eat with us, I guess.

Senator MURKOWSKI. Well, let's look at last year's take and assume that the same population was there, around 700 to 750, yet, I think the harvest last year was somewhere in the area of, oh, close to 23,000, right? Is that right?

Mr. MERCULIEFF. That is correct.

Senator MURKOWSKI. Last year it was 22,416. Now, if you used 15,000 to 16,000 seals for subsistence, what happened to the rest of them?

Mr. MERCULIEFF. Well, the rest, some of the carcasses, as noted by some of the groups, were dumped. Some of them—well, in fact, do you know that 7 out of the top 10 dog mushers in the Ididerod use seal meat, and the dog market in Alaska is definitely one of them.

Senator MURKOWSKI. Do you have facilities to freeze?

Mr. MERCULIEFF. Yes. To process, freeze, and package and ship. In addition to that——

Senator MURKOWSKI. Were the other carcasses wasted in the sense—there was an allegation that they were dumped, or there was a big dump of carcasses.

Mr. MERCULIEFF. Well, the dump they referred to is an accumulation over a period of about 15 years, Mr. Chairman.

I would like to reserve the answer to that question to another gentleman who will be speaking on the Aleut panel.

Senator MURKOWSKI. Gentlemen, you represent a significant portion of America's environmental community. Is there a basic philosophical difference between your organizations or your panel, and I will exclude Larry, in your philosophical attitude toward I guess killing of wildlife?

The question was asked of the former panel, and I think it is fair to say they answered the question uniformly that regardless of the level of sustainable harvest that they would be opposed to the commercial taking of seals. Obviously, you people have seen fit to take a different point of view for your reasons which you have outlined. And I would just like to have you address the philosophical policy differential, if indeed there is one. If there is not, why, that is something else again.

Mr. Berryman.

Mr. BERRYMAN. Well, speaking for our association, which is, as I said, composed of the fish and wildlife managing agencies, we are diametrically opposed to an antihunt, antimanagement, antikill philosophy, because we believe in balanced, reasonable resource use. That includes harvest, whether it be by hunters or by trapping for commercial purposes. So we believe in balanced use so long as we do not jeopardize the resource.

Senator MURKOWSKI. Would anyone else care to address that question?

Mr. CLINE. Mr. Chairman, speaking for the National Audubon Society, since we first got organized near the turn of the century to stop the indiscriminate slaughter of plumed birds, Audubon has evolved into a science guided management oriented conservation organization. We see larger and more significant issues than the manner in which individual animals are taken, for whatever purpose. For example, we feel that the higher priorities are to assure the survival of all of our wildlife, protect the integrity of their habitat, and ensure that they continue to survive in healthy populations for all of their human benefits.

Senator MURKOWSKI. Thank you.

Mr. Bohlen.

Mr. BOHLEN. Mr. Chairman, as I mentioned in my testimony, World Wildlife Fund's experience in many parts of the world has led us to a firm conclusion that effective conservation can only be achieved on a sustained yield basis. We believe in the utilization of species as long as a population is not threatened or endangered. I would say we are willing to be more tolerant, if you will, on what a sustained level of take should be in the case of subsistence hunting. I think all of us would agree that we should not allow subsistence hunting when it is clearly detrimental; but certainly in this case I think it is justifiable.

Senator MURKOWSKI. Mr. Williamson.

Mr. WILLIAMSON. Well, our organization has a very similar philosophy, Mr. Chairman. We believe in the wise use of a resource as long as it does not threaten the continued well-being of that resource, whether it is commercial or whether it is for sporting purposes. We have no objection to it. Our main concern is that all natural resources be managed under a scientific program designed to sustain them into the future. And it may sound a bit cruel, but really it does not matter how an animal dies; what matters is how many. And we have to, because of the nature of the business, be concerned with populations rather than individuals.

Senator MURKOWSKI. Well, you have already addressed, I think, the question of what would happen without a treaty in the sense that you express a real concern in supporting the treaty because you do not know what would happen without a treaty, but you assume that there is a risk of pelagic sealing.

Mr. MERCULIEFF. Yes, Mr. Chairman, with regard to that point, if I may, there was not specific data given on the relationship of the seals to the fish populations in the Bering Sea. And the animal protectionists have tended to minimize or tried to minimize this potential for pelagic sealing by saying that the seals only take 1 percent or less than 1 percent of the available biomass in the Bering Sea. Well, that is the biomass. But you compare the seals to the take of commercial fish rather than the available biomass in the Bering Sea, which includes everything under the Sun, we have a more relevant comparison. For example, Japan took 929,000 metric tons of fin fish out of the Bering Sea last year. Fur seals took 476,000 metric tons. The Republic of Korea, 167,000 metric tons. Poland, 55,000 metric tons. West Germany, 11,873 metric tons. The Taiwanese, 5,978 metric tons. So if you characterize the seals as a fishing nation, they are the No. 2 fishing nation in the Bering Sea.

Senator MURKOWSKI. Very aptly put.

I guess my evaluation of your two groups, your group representing an environmental point of view, and the previous group, representing an opposition to commercial taking. I am trying to reflect just what difference it makes to the seal, whether the seal is taken by a commercial harvest or the harvest associated with subsistence, which is guaranteed under the law. The consequences are the same. And we currently have under the treaty the realities of subsistence. The treaty on subsistence works in harmony inasmuch as the subsistence, while guaranteed by law, can be considered a byproduct, if you will, of the cooperative effort where the residents utilize the seal after the pelts are taken. The other alternative, which is a very simple one, that you would not have a treaty, you would still have the killing of the seals. You would have utilization of portions in arts and crafts. You would have the question of what can you do with the pelts. And you would have the additional exposure of pelagic sealing.

I have no further questions of the panel.

The next witnesses are the resident group from the St. George, St. Paul Islands: Mr. Boris Merculieff, president, Traditional Village Council of St. George; Mr. Iliodor Philemonof, president of the St. George Tanaq Corp.; Mr. Michael Zacharof, mayor of the St. Paul Island; Mr. Maxim Lestenkof, president of the Traditional Governing Council of St. Paul; and I do not know whether Larry Merculieff is going to join you again or not. But that is your own call, gentlemen. We welcome you to the committee. We appreciate your perseverance, which has been equal to mine, and look forward to your testimony. And I will keep time constraints and will ask upon the completion that you summarize your remarks, and be assured that anything that you would care to indicate will be entered into the record and included as if read.

OK; who wants to go first?

Mr. ZACHAROF. Mr. Chairman.

Senator MURKOWSKI. Would you please identify yourself and your association, Mr. Zacharof?

Mr. ZACHAROF. Yes, Mr. Chairman. My name is Mike Zacharof. I would like to ask for permission right now to have Reverend Lestenkof start off first.

Senator MURKOWSKI. Please proceed, Reverend Lestenkof.

Reverend Lestenkof, would you care to identify yourself and your church affiliation, please?

STATEMENT OF MICHAEL LESTENKOF, PRESIDENT, TRADITIONAL GOVERNING COUNCIL OF ST. PAUL, AK

Mr. LESTENKOF. Thank you, Mr. Chairman, for allowing me the time to testify.

My name is Rev. Michael Lestenkof. I am from St. Paul Island, Alaska.

Senator MURKOWSKI. Are you affiliated with what religious group?

Mr. LESTENKOF. Russian Orthodox Church.

Senator MURKOWSKI. Russian Orthodox Church. Thank you.

Mr. LESTENKOF. In the early 1900's my father was a foreman for the Government, and after the Second World War, my two brothers were foremen for the Government and managed the sealing operation long before animal lovers knew anything about Pribilof seals. I also was in sealing for 35 years. I learned all about the sealing operation from my father and my brothers. All three of them were managing the sealing operation for the Government.

When the seals came in the spring, the Aleut foremen would tell people not to go around the rookeries, nor spit tobacco nor throw cigarette stubs or anything else on the rookery ground. Seals would smell them and leave. But today, Mr. Chairman, at St. Paul and St. George, the biologists have a new way of handling the lives of the seals. It looks to me like they almost live in the rookeries, interfering with the seals' habits by walking all over the rookeries, smoking, spitting tobacco, throwing garbage on the rookery grounds. Seals cannot live like people. Also counting and tagging the pups with 8 to 10 workers. Before only one man used to count all the seals.

Mr. Chairman, for over 70 years I have lived on seal meat. That is all the Federal Government used to allow us to eat all the time and to save meat for the long winter by salting it. When the sealing starts, a can of meat from the store was discontinued, only seal meat every day.

In the old days, on the first day of the harvest, a daily bulletin from the Government agent used to say there is lots of nice fresh meat to be enjoyed by everyone. Why not say it now?

For over 10 years now the St. George Island has not had a seal harvest. I have noticed that a lot of the seals are gone. During the sealing season when we move the seals up from the rookeries by picking up strays from the beach, we make room for other seals to come ashore. If we do not pick up the seals, the ones in the water would remain there for so long and they would just leave. Perhaps that is why the number of seals at St. George has decreased, by not having a seal harvest. The same bunch of seals remain on the land in the same place the whole summer.

Seals being driven by Aleuts is shown on television all over the world by the Green Peace, with the Aleuts making racket noise using big cans, yelling, making all sorts of noises and scaring the seals. I was taught by my father and brothers how to drive seals. I used to drive seals 5 to 10 miles from the rookeries to the village. We would drive them all night. The new way of driving shown on television was learned from the white man when they took over the management of the sealing operation from the Aleuts.

The Aleut way of driving the seals used to be quiet. It took only two men to drive hundreds of seals, by standing up and raising our hands, and as soon as the seals start moving forward, we would lie down on the ground until the seals stopped moving, and we would do the same action over and over until we drove all the seals to the village from the seal rookeries. The seal drives were in large amounts, by hundreds, not in small groups surrounded by six people scaring them, as they have shown on television and blamed the Aleuts for it.

After the Second World War and before, I was a clubber in a sealing operation. When they started killing the cows, some were still pregnant. I could not club them because the clubbers were not allowed to kill any cows or even hit them by accident. If we did, they would take the clubbers out from clubbing. But that was the order, so I started clubbing them.

I asked one of the biologists why they wanted the cows to be killed. And he said, the Russian, Japanese, and Canadians had a meeting in Washington and complained about the seals. They needed to be controlled. There are so many seals coming around our waters, and they ate all the fish and seafood. But how about now?

They come around our waters and are dragging the bottoms, and taking all of the seals and fish away. What about that?

Mr. Chairman, God created the people so that they could live in different climates, eat different foods. God gives us our food, the seal meat and oil to help us live in our own climate. The meat and oil keep us warm, and the fur was used for clothing.

We did not have guns or knives to hunt with, only clubs, or with our bare hands, and also nothing grows in our cold climate country, no trees or shelter. There are rocky mountains and fog, 80- to 100-mile gales, and only fur seal skins and bird feathers for our clothing.

The Green Peace people have much more than we do, shelter, warm weather, sunshine. A lot of fruits grow on the trees. They have different kinds of meat to eat. Lots of different kinds of animals and foods the whole year round. Do Green Peace's people ever study the difference in our environment? How God gave people a way to live during their hardships?

Could the Green Peace people ever survive in cold Alaska? I would say no. When they come to the Pribilof in the summer, I mean, summer in Alaska, they wear heavy clothes and hardly make a move except to complain about the way seals are being killed when in the first place we had only clubs to survive with. Still we are yet.

Mr. Chairman, may I say on behalf of my Aleut people in the Pribilof Islands I came here for the first time to Washington flying thousands of miles from my home to ask or say, please sign the treaty and give us back the subsistence which God offered to us and still up to to this date.

I thank you very much, Mr. Chairman, for allowing us to share your time.

[Mr. Lestenkof's prepared statement follows:]

Tribal Government of St. Paul
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Nina Simeonoff
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Adrian Melovidov, Sr.
Anthony Philemonoff
Terenty Philemonoff, Jr.
Michael Zacharof

My name is Reverend Michael Lestenkof, I'm from St. Paul Island, Alaska 99660.

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God created the people so they could live in different climates, eat different foods. God gave us our food, the seal meat and oil to help us live in our cold climate. The meat and oil keep us warm and the fur was used for clothing. We didn't have guns or knives to hunt with, only clubs or with our bare hands. And also nothing grows in our cold climate country. No trees for shelter, the rocky mountains and fog. Eighty to one hundred mile gale only fur seal skin and bird feathers for our clothings.

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May I say, on behalf of my Aleut People, in the Pribilof's Islands, I came to Washington, flying thousands of miles from my home to ask or say, "please sign the treaty and give us back the subsistence which God offered to us till up to this date."

Thank You.

Senator **Murkowski**. Thank you very much, Father, for your excellent statement.

Next we will hear from Mr. Zacharof.

Mr. **Zacharof**. No, we will hear from Father Gromoff.

STATEMENT OF REV. ISHMAIL GROMOFF, PASTOR, HOLY ASCENSION ORTHODOX CATHEDRAL, UNALASKA, AK

Reverend **Gromoff**. Your Honor, my name is Father Gromoff. I am the pastor of the Holy Ascension Orthodox Cathedral in Unalaska, AK. I am also former commissioner for the World War Two reparation representing the Aleut Nation. It is true the history of the Aleuts on the Pribilof has produced success and failure in catching the fur seals in the Pribilof Islands.

The 1919 law prohibiting killings of the fur seals on the high seas did have results by controlled harvest on land. Critically important is restoration of both Asiatic and United States herds from danger of becoming endangered species. Continuation of the ban on pelagic sealing is in effect for about 50 years.

We have scientific proof that the Asiatic and Pribilof herds are separate populations. The scientific research on the seal-related problems must be intensified. The Pribilovians should not be cut off from the financial and support services.

Consideration should be given to economic hardship and more unemployment that might be saved by continuation of the subsidy. Let us help our American citizens to go forward, not backward. Let us take care of our own U.S. citizens first before we worry about people outside of the United States. Let us clean our house first.

The convention text should be amended to provide that the fur seal population be maintained at a qualified level for the harvested portion of the herd critically subadult males. Take into consideration that the Pribilof Aleuts fill the U.S. Treasury with about $93 million since 1910 until 1950.

At this period the Government used to pay the seal harvesters 20 cents per skin, while the U.S. Government received $1 for the same skin. How can funds be saved by terminating? You still have to pay the same people unemployment insurance.

You people are going around in circles like chickens with your heads cut off. The U.S. Government should still do business of producing seal pelts and seal carcass byproducts. We should not abandon the convention. NOAA are not the sealers. Let the sealers do their own business of harvesting the fur seals.

The decline is not, I repeat, is not from the harvest. The decline is from the shortage of pollock or wildlife fish which the commercial fishers are catching. The fishermen and the wild animals and birds are in competition with each other.

With regard to questions of morality of killing marine mammals such as the Pribilof fur seals and the use of pelts, some people declined to comment, but as an orthodox priest and orthodox church, I cannot keep silent. I have to comment.

The humans of the Earth must listen to God when he said let the waters teem with abundance of living creatures and on the Earth let the birds fly beneath the dome of the sky, and so it happened, Genesis 1:20, 21, 22, 23, 24, 25, 26, 27. God created the sea monsters and all kinds of swimming creatures with which the waters teemed, all kinds of winged birds. God saw how good it was. Genesis 1. Genesis 1:11.

And God blessed them, saying, be fertile and fill the waters of the seas and let the birds multiply on the Earth, 23. Evening came and the morning followed the fifth day, 24. Then God said let the Earth bring for all kinds of living creatures and cattle, creeping things, and wild animals of all kinds, and so it happened, 25.

God made all kinds of wild animals. God saw how good it was, and God said, let us make man in our image after our likeness. Let them have dominion over the fish of the seas, the birds of the air, the cattle, and over all the wild animals, and all the creatures that crawl on the ground.

Genesis 18: The Lord God said it is not good for man to be alone. I will make him a suitable partner for him. So the Lord God formed out of the ground wild animals and various birds of the air and brought them to the man to see whatever he would call them, 20. The man gave names to all the cattle, all the birds of the air, and all the wild animals, but none of them proved to be a suitable partner for the man, 21.

So Lord God cast a deep sleep on the man, and while he was asleep, he took out one of his ribs, and he closed upon the place with flesh, 22. The Lord God then built a woman from the rib he had taken from the man. Then he brought her to the man. The man said, this one at last is bone of my bone, flesh of my flesh. This one shall be called woman, for out of her man this one has been taken, 24.

That is why a man leaves his father and mother and clings to his wife, and the two of them become one body, 25. The man and his wife were both naked, yet they felt no shame. When the white man was shooting the wolf and the polar bears from the flying planes, the animal groups did not lay a hand upon their own kind.

Still, the same people wear leather shoes, wallets, and so forth, which came from the wild and domestic animals, and they think nothing of it. Also, they go to the supermarkets to buy steaks, porkchops, chickens, and cuddly rabbit. Where does this meat come from? Wild and domestic animals that are killed more worse than the fur seals. They use sledge hammers. You cannot eat live birds, live animals. In order to eat them you have to kill and slaughter the animal like God intended it to be.

Mr. Chairman, I would like to read a letter I sent to the Anchorage Daily Times.

Senator **Murkowski**. I wonder if you could summarize your letter, Father, just summarize it. It is pretty late, and we have a lot of witnesses to go.

Reverend **Gromoff**. OK, Mr. Chairman. What I think it is self-explanatory what is said in the letter. These people, I noticed the Green Peace people were carrying leather cases. They are made from animals. They wear shoes made out of animals. I do not know why they are targeting the fur seals. Not to slaughter them.

But I propose, Mr. Chairman, that we should continue the treaty. Without the treaty I am sorry to say we will have the biggest slaughter in the world. Other nations will come in and do pelagic sealing, and I am sorry to say the Alaskan people and the American people will never see a live seal again. Mark my words.

Thank you.

[Mr. Gromoff's prepared statement follows:]

TESTIMONY OF FATHER ISHMAIL GROMOFF BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON THE PROTOCOL AMENDING THE NORTH PACIFIC FUR SEALS CONVENTION

My name is Father Gromoff. I am the Pastor of the Holy Ascension Orthodox Cathedral in Unalaska. I am also a former commissioner for the World War II Reprerations representing the Aleut Nation.

It is true that the history of the Aleuts on the Pribilof Islands has produced success and failure in harvesting the fur seals. Critically important is restoration of both Asiatic and United States herds from danger of becoming endangered species. We have scientific proof that the Asiatic and Pribilof herds are separate populations. The 1919 Law prohibiting killing of the fur seals on the high seas did have results. The ban on pelagic sealing, in effect for about 50 years, must be continued. The scientific research on the seal related problems must be intensified. The people of the Pribilof Islands should not be cut off from financial and support services. Consideration should be given to the economic hardship and unemployment that might be prevented by continuation of the convention. Let us help our American citizens to go forward not backward. Let us take care of our own United States citizens first before we worry about people outside of the United States. Let us clean our house first.

The convention text should be amended to provide that the fur seal population be maintained at a qualified level for the harvested portion of the herd, currently Sub-Adult males. Take into consideration that Pribilof Aleuts filled the United States Treasury with about $93,000,000 from 1910 until 1950. During this period the Government used to pay the seal harvestors 20¢ per skin, while the United States Government received $100 for the same skin. How can funds be saved by terminating? The same people would have to be paid unemployment insurance. Congress seems to be going around in circles like chickens with their heads cut off.

The United States Government should allow the business of producing seal pelts, aphrodidiacs and seal carcass by-products to continue. We should not abandon the convention. Let the sealers do their own business of harvesting the fur seals. The decline is not, I repeat, is not from the harvest. The decline is from the shortage of polloce or wild-eye fish which the commercial fishermen are catching. The fishermen and the wild animals and birds are in competition with each other. With regard to questions of the morality of killing marine mammals, such as the Pribilof fur seals, and the use of pelts, some people decline to comment. But as an orthodox priest in the Orthodox Church, I cannot keep silent. I have to comment.

The humans of the earth must listen to God! When he said "Let the waters teem with abundance of living creatures and on the Earth let the birds fly beneath the dome of the sky," so it happened. Genisis I, 20-27.

God created the great sea monsters and all kinds of swimming creatures with which the waters teem, and all kinds of winged birds. God saw how good it was. Genesis I.

And God blessed them saying, "Be fertile and fill the waters of the seas; and let the birds multiply on the Earth." Genisis I, 11.

Evening came and the morning followed the fifth day. Genesis I, 23.

Then God said, "Let the Earth bring forth all kinds of living creatures; and cattle, creeping things, and wild animals of all kinds," and so it happened. 25. God made all kinds of wild animals, all kinds of cattle, and all kinds of creeping things on the Earth. God saw how it was. 26. Then God said, "Let us make man in our image, after our likeness. Let them have dominion over the fish of the seas, the birds of the air, and the cattle, and over all the wild animals and all the creatures that crawl on the ground." 27.

The Lord God said, "It is not good for a man to be alone. I will make him a suitable partner for Him." Genisis, I, 18. So the Lord God formed out of the ground wild animals and various birds of the air and brought them to the man to see whatever he would call them. 19. The man gave names to all the cattle, all the birds of the air and all the wild animals, but none of them proved to be the suitable partner for the man. 20. So the Lord God cast a deep sleep on the man and while he was asleep, he took out one of his ribs and closed upon the place with flesh. 21. The Lord God then built into a woman the rib he had taken from the man. Then he brought her to the man. 22. The man said, "This one, at last, is bone of my bone and flesh of my flesh. This one shall be called woman for out of her man this one has been taken." 23. That is why A MAN LEAVES HIS Father and Mother and clings to his wife and the two of them become one body. 24. The man and his wife were both naked, yet they felt no shame. 25.

When the white man was shooting the wolf and polar bears from the flying planes the animal groups did not lay a hand upon their own kind. Still, these same people wear leather shoes, wallets, etc., which came from wild and domestic animals and they think nothing of it. Also, they go to supermarkets to buy steaks, pork chops, chicken, rabbit, etc. Where does this meat come from? Wild and domestic animals that are killed more cruelly than fur seals. They are killed with sledge hammers. You cannot eat live animals. In order to eat them you have to kill or slaughter the animal as God intended it to be.

Thank you.

Senator MURKOWSKI. Thank you very much, Father. We appreciate your testimony.

STATEMENT OF MICHAEL ZACHAROF, MAYOR, ST. PAUL ISLAND

Mr. ZACHAROF. My name is Mike Zacharof. I am the mayor of the city of St. Paul. I was a foreman in charge of the harvest for a number of years, and had been an advisor to the Full Seal Commission since 1975. I have been mayor of St. Paul for 3 years. In past years, I have served in many varied leadership capacities for the Pribilof Aleuts. The Aleuts in the Aleutian Chain, as well as Alaskan Native peoples statewide.

I have traveled thousands of miles every year to Washington and elsewhere to plead our case for the fur seal issue and other issues directly related to the fur seals. Throughout these years, Mr. Chairman, we have successfully fought animal protectionist efforts to remove our people from the Pribilof to the mainland. We have successfully fought legislative efforts to proclaim our ancestral lands as marine sanctuaries and refuges.

We have, Mr. Chairman, successfully fought proposals to make all our people park rangers, and we have successfully fought efforts to place our people on some sort of welfare rolls. We have endured professional ad campaigns denigrating our people and characterizing us as bloodthirsty, greedy, immoral animal killers incapable of thinking or acting rationally or in our own economic well-being.

When queried on this point, the animal protectionists reply they are not against the Aleuts, but their newspaper ads and films say otherwise. The hate mail we have received since their campaign started are testimony to the facts. On the one hand our opponents contend they do not intend to demean us, but yet suggest that we do not know enough to properly allocate our economic resources.

They, however, feel they do, and take it upon themselves to suggest the directions of our economic development without consulting the people on the Pribilof Islands. These protectionists say that they are not against subsistence hunting, but again, we take that statement with a grain of salt.

Some of these groups are effective in stopping the seal harvest on St. George using the rationale that this would prove beyond a doubt that harvesting is detrimental to the herd. The subsistence needs of St. George Aleuts was a complete afterthought to the protectionists, and since 1973 to this day St. George Aleuts are allowed to take only 350 seals for subsistence, several thousand short of their needs.

These groups argue that St. George's subsistence needs are taken care of from the St. Paul harvest. When one does not go out and get what they need themselves, and when one has to engage in a foot race in competition with one's brother to be the first to get fresh meat for the pitiful allowance of rice on the same shores, it is easy to see that true subsistence was destroyed on St. George Island.

Now protectionists argue that the seal harvest is detrimental to the herd and artfully ignore the promise they advanced when stopping the harvest at St. George. These same groups promise these same communities that a St. George moratorium would improve, and that the nonharvest population would grow in size, and of course, it has not.

Their reason for ignoring this is obvious. Not only does the St. George population decline similar to St. Paul's, but these groups damage the village by destroying their livelihood, causing an out migration of young and talented and limited those to remain to a 329 seal subsistence allowance of 350. These protectionists give lip service to their concern for our people, but I can say without question that they have done more psychological economic damage to our people than any of the groups since our release from slavery.

As a result of the targeting of the Government's Pribilof Island Program over the years our people's employment declined from 1975 to 1983. The protectionists' attacks aggravated an already high 70 percent unemployment rate, and as a result our people cannot pay for basic essentials such as food, electricity, and fuel. We still suffer from this period.

My people owe over $1 million just for the three items today right now. Because of the steady and severe decline of pelt prices due to the efforts of animal protectionists, many of whom are here today, the Government eventually abandoned the Pribilofs, citing the declining revenues.

The abandonment caused an economic upheaval of huge proportions to let our people sink or swim on their own. These groups have not helped us in Alaska or Washington to make a smooth transition from generations of Government-run company town to private enterprise.

The breakwater and dock will not be finished until 1986 at the earliest, yet the protectionists want to shutdown the economy before there is a replacement. In addition, they have not even considered the danger they put to seals and birds and the entire Pribilof habitat, and they threaten the elimination of the sole economic base.

We believe in balanced development, lifestyle, and environment, and we practice what we preach. Instead of opting for a super port we have lobbied on our own initiative for a considerably more modest development. In accommodating oil companies' designs on St. Paul Islands to provide air support services for oil exploration, we have exercised great restraint to ensure the protection of the seals from the birds than they are provided for at the present time.

Senator **Murkowski**. I wonder if you would summarize the remainder of your statement.

Mr. **Zacharof**. Yes, I will, Mr. Chairman.

In summary, I would like to state to you, sir, that the people on St. Paul are urging you and your colleagues to support and sign the treaty to continue the treaty with the other countries, and in doing so, we also ask that you allow the Aleut people to continue the harvest of 22,000 animals. Thank you very much.

Senator **Murkowski**. Thank you very much, Mayor Zacharof. I might add that it is refreshing to have your point of view. You have come a great distance. There is no question that the marine mammals belong to all of the people, to all Americans, and I suppose all non-Americans, too, but you have chosen to live with them. You are the only ones who have chosen that, and as a consequence

I think your point of view is very important to have in this hearing record.

Next we will have Mr. Merculief. Please proceed.

STATEMENT OF BORIS MERCULIEF, PRESIDENT, TRADITIONAL VILLAGE COUNCIL OF ST. GEORGE

Mr. **MERCULIEF.** My name is Boris Merculief, and I am the president of the Traditional Village Council of St. George. I would like my prepared statement entered into the record.

Senator **MURKOWSKI.** It will be entered into the record as if read, Mr. Merculief.

Mr. **MERCULIEF.** Thank you. I wish to thank the committee for the opportunity to testify today on a matter of critical significance to our people. We hope that our comments will help to bring about a legislative result that will allow us to continue our traditional culture and heritage while permitting the North Pacific fur seal herd to flourish.

For as long as we have been on the Pribilof Islands, Pribilonians have lived with the seal, and they have lived from the seal. The seal has been our basic staple of diet and the centerpoint of our traditions and heritage. Without the seal we would not and could not live on the Pribilof Islands.

We view termination of the North Pacific Fur Seal Treaty with the greatest fear, since we think it will spell the death of the herd and ultimately end our ability to subsist on the seal. Our island needs approximately 3,900 carcasses to adequately subsist. While this may sound like many carcasses to this committee, we beg you to view this number in light of certain facts. We have reached our estimate for the St. George subsistence needs by surveying the people on the island and by reviewing the scientific evidence as to the subsistence needs.

While the committee may view the requests of our community as self-serving, the scientific evidence should be persuasive. A study done by Veltre and Veltre in 1981 covering subsistence research utilization in the Pribilof Islands indicates that between 1870 and 1889 and average total of approximately 5,000 bachelor seals and 5,000 pups were killed for natives' food on the two islands. The population of the Pribilof at that time was only 382. The present population of the Pribilofs in 1981 was 687, and as we know now it is up to 750.

It is approximately twice the level of 1880. This estimate indicates that 10,000 to 15,000 seals would be required to meet the present population subsistence needs. The final environmental impact statement on the interim convention stated that "Subsistence needs of Pribilof Aleuts for fur seals may be as high as 12,000 animals."

In 1914, Osgood estimated that the total amount of the seal meat needed for one native for 1 year is 17.5 carcasses. This amounts to not more than 1 pound of meat free of bone per day for each person. This estimate may be low, since a recent article in the Arctic Policy Review indicates that 1.2 pounds of meat weight is needed to meet the daily requirements of the far north.

This estimate raises to approximately 20 seals the number of carcasses needed per person. Given the current population of the two islands, Osgood's estimate would require a subsistence take of 13,000 to 14,000 seals on St. George. This estimate would mean 3,400 seals would be required. Therefore the estimate from our people which includes some shipment of seal meat to Pribilovian family members living off the islands is consistent with the various past estimates and scientific studies.

In 1972, with little notice, Congress and the Department of Commerce imposed a moratorium on the long-standing St. George commercial seal harvest. In essence, you abolished our livelihood with the stroke of a pen. We are told that the national groups seeking to terminate the treaty are friends of the seal and want to protect the seal from the ravages of the harvest. We cannot believe that anyone can look at the history as we know it and reach the conclusions they have reached.

I remember when my grandfather described the condition of the fur seal herd when he was a boy in the early part of the century, before the treaty was in place. The herd had been virtually destroyed. From the time the treaty went into effect, the herd rebuilt, clearly demonstrating that the treaty is in the best interest of the fur seal population. You need not be a biologist to recognize the plain facts. Who is in a better position than the Aleuts to be experts about the seal?

If the committee seeks to aid the future of the North Pacific fur seal, it should focus on the true problems. Abuse of the law by foreign and domestic fishermen is probably the most prominent reason for the herd's decline, followed closely by the killing of countless seals by entanglement. Many fishermen consider seals a nuisance as well as an excellent bate for crab and other species.

In our view, not one reliable scientific study has demonstrated that the commercial harvest is responsible for the decline of the fur seal.

Finally, we want the committee to know that we have no doubt that the ending of the treaty will be followed by unregulated destructive pelagic sealing. We have been told in no uncertain terms that the pelagic sealing by the foreign interests will return if the treaty is not ratified.

In conclusion, Mr. Chairman, there is a common expression that applies to the protocol decision now before the U.S. Senate. That expression is, "The operation was successful, but the patient died." If the people who support the elimination of the treaty are successful, their efforts to protect the seal will result in destruction of the herd. They will have the emptiest of victories.

Who will be the losers? We, the people of the Pribilof Islands, whose lives have been intertwined with the survival of the fur seals, you, the U.S. Senate, because you have to live with the knowledge that this tragedy could have been avoided had you acted otherwise. And there will be other losers, as is the case when any species is destroyed or vastly diminished.

We ask this Congress to look at the fundamental facts. One, since the treaty began, the herd has been rebuilt. Two, scientific evidence does not point to the commercial harvest as the cause of the recent decline in the population. Three, the St. George herd, which has not been harvested in 13 years, has deteriorated more than the harvest of St. Paul herd.

Our people, all of whom are full-fledged American citizens, have built their lives and culture around a species that will be greatly endangered if the protocol is not approved, and five, foreign interests have indicated that pelagic sealing, the most destructive of all management regimes, will return soon after the treaty's expiration.

We hope that Congress will raise above ill-conceived publicity and the emotionalism generated by national protectionist groups and view the facts as they are. The future of our people and our heritage depends on your actions. The future of the seal also will be assured only if you ratify the protocol. Thank you once again for the opportunity to address you.

[Mr. Merculief's and Mr. Philemonof's joint prepared statement follows:]

TESTIMONY OF MR. BORIS MERCULIEF,
PRESIDENT OF THE ST. GEORGE TRADITIONAL VILLAGE COUNCIL,
AND
MR. ILIODOR PHILEMONOF,
PRESIDENT OF ST. GEORGE TANAQ CORPORATION

MY NAME IS BORIS MERCULIEF AND I AM THE PRESIDENT OF THE TRADITIONAL VILLAGE COUNCIL OF ST. GEORGE ISLAND, ALASKA. I AM ACCOMPANIED TODAY BY MR. ILIODOR PHILEMONOF, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF ST. GEORGE TANAQ CORPORATION. TANAQ IS THE ALASKAN NATIVE VILLAGE CORPORATION CHARTERED UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT FOR THE VILLAGE OF ST. GEORGE.

WE WISH TO THANK THE COMMITTEE FOR THE OPPORTUNITY TO TESTIFY TODAY ON A MATTER OF CRITICAL SIGNIFICANCE TO OUR PEOPLE. WE HOPE THAT OUR COMMENTS WILL HELP TO BRING ABOUT A LEGISLATIVE RESULT THAT WILL ALLOW US TO CONTINUE OUR TRADITIONAL CULTURE AND HERITAGE WHILE PERMITTING THE NORTH PACIFIC FUR SEAL HERD TO FLOURISH.

I. SUBSISTENCE NEEDS

FOR AS LONG AS WE HAVE BEEN ON THE PRIBILOF ISLANDS, PRIBILOVIANS HAVE LIVED WITH THE SEAL AND THEY HAVE LIVED FROM THE SEAL. THE SEAL HAS BEEN A BASIC STAPLE OF OUR DIET AND THE CENTER POINT OF OUR TRADITIONS AND HERITAGE. WITHOUT THE SEAL, WE WOULD NOT AND COULD NOT LIVE ON THE PRIBILOF ISLANDS.

WE VIEW TERMINATION OF THE NORTH PACIFIC FUR SEAL TREATY WITH THE GREATEST OF FEAR SINCE WE THINK IT WILL SPELL THE DEATH OF THE HERD AND ULTIMATELY END OUR ABILITY TO SUBSIST ON THE SEAL.

THE PEOPLE OF ST. GEORGE WANT AND NEED SEAL MEAT FOR OUR DIET. SINCE 1972, WE HAVE BEEN SUBJECT TO A MORATORIUM ON COMMERCIAL SEALING AND HAVE BEEN SEVERELY LIMITED IN OUR TAKE OF SUBSISTENCE SEALS. IN 1985, ONLY 329 SEALS ARE PROPOSED TO BE

WERE MADE AVAILABLE FOR SUBSISTENCE PURPOSES. THIS IS A SMALL FRACTION OF THE NEEDS OF OUR PEOPLE. THIS NUMBER IS DOWN FROM 350 LAST YEAR AND 500 THE YEAR BEFORE.

OUR ISLAND NEEDS APPROXIMATELY 3,900 SEAL CARCASSES TO ADEQUATELY SUBSIST. WHILE THIS MAY SOUND LIKE MANY CARCASSES TO THIS COMMITTEE, WE BEG YOU TO VIEW THIS NUMBER IN LIGHT OF CERTAIN FACTS. ONLY A FEW POUNDS OF EACH SEAL IS PRIME MEAT, THAT BEING THE FLIPPER. WHILE WE USE THE HEART, LIVER, WHISKERS AND OTHER SEAL PARTS FOR FOOD OR NATIVE CRAFTS, IT IS THE FLIPPERS THAT ARE MOST SOUGHT AFTER. THE NUMBER OF SEALS WE REQUEST IS A TINY FRACTION OF THE ENTIRE HERD, FAR LESS THAN ONE PERCENT. WITHOUT AN ADEQUATE SUBSISTENCE TAKE, OUR PEOPLE WILL FOREVER LOSE THE HERITAGE THAT MAKES OUR COMMUNITY UNIQUE, AND ON WHICH OUR CULTURE HAS BEEN BUILT. WE DO NOT WANT OUR CHILDREN TO LOSE FOREVER THIS BASIC LINK WITH THEIR FOREFATHERS.

I WISH TO PUT OUR SUBSISTENCE NEEDS IN PERSPECTIVE. IN THE UNITED STATES, APPROXIMATELY 4.5 BILLION CHICKENS ARE SLAUGHTERED FOR CONSUMPTION EACH YEAR. NEARLY 200 MILLION TURKEYS AND DUCKS MEET THE SAME FATE. WE SLAUGHTER CLOSE TO 40 MILLION CATTLE, AND 85 MILLION HOGS ANNUALLY. ON A PER PERSON BASIS, U.S. CITIZENS CONSUME APPROXIMATELY 200 POUNDS OF BEEF, POULTRY AND PORK ANNUALLY, AND HAVE AN ABURDANCE OF OTHER ECONOMICAL PROTEIN SOURCES TO SUPPLEMENT THEIR DIET. WE ARE REQUESTING THE EQUIVALENT IN PRIME SEAL MEAT OF ONLY 1/3 OF DOMESTIC MEAT CONSUMPTION. AS U.S. CITIZENS, WE SHOULD NOT BE DENIED THE RIGHT TO HAVE 1/3 OF THE NATIONAL CONSUMPTION RATE COMPRISED OF OUR DESIRED MEAT. ALL OTHER AMERICANS HAVE THIS FREEDOM OF CHOICE, WHY SHOULDN'T WE?

WE HAVE REACHED OUR ESTIMATE FOR THE ST. GEORGE SUBSISTENCE NEEDS BY SURVEYING THE PEOPLE ON THE ISLAND AND BY REVIEWING THE SCIENTIFIC EVIDENCE AS TO SUBSISTENCE NEEDS. WHILE THE COMMITTEE

MAY VIEW THE REQUESTS OF OUR COMMUNITY AS SELF-SERVING, THE SCIENTIFIC EVIDENCE SHOULD BE PERSUASIVE. A STUDY DONE BY VELTRE AND VELTRE IN 1981 COVERING SUBSISTENCE RESEARCH UTILIZATION IN THE PRIBILOF ISLANDS* INDICATES THAT BETWEEN 1870 AND 1889, AN AVERAGE TOTAL OF APPROXIMATELY 5,000 BACHELOR SEALS AND 5,000 PUPS WERE "KILLED FOR NATIVES' FOOD" ON THE TWO ISLANDS. THE POPULATION OF THE PRIBILOFS AT THE TIME** WAS ONLY 382; THE PRESENT POPULATION OF THE PRIBILOFS (IN 1981, IT WAS 687 NATIVES) IS APPROXIMATELY TWICE THE 1880 LEVEL. THIS ESTIMATE INDICATES THAT 10,000-15,000 SEALS WOULD BE REQUIRED TO MEET THE PRESENT POPULATION'S SUBSISTENCE NEEDS.

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* Technical Paper No. 57, Alaska Department of Fish & Game, Division of Subsistence, Technical Paper Series.

** 1880 Census.

THE FINAL ENVIRONMENTAL IMPACT STATEMENT ON THE INTERIM CONVENTION STATED THAT "SUBSISTENCE NEEDS OF PRIBILOF ALEUTS FOR FUR SEALS MAY BE AS HIGH AS 12,000 ANIMALS."

IN 1914, OSGOOD ESTIMATED THAT "THE TOTAL AMOUNT OF SEAL MEAT NEEDED FOR ONE NATIVE FOR ONE YEAR IS 17.5 CARCASSES. THIS AMOUNTS TO NOT MORE THAN ONE POUND OF MEAT FREE OF BONE PER DAY FOR EACH PERSON." THIS ESTIMATE MAY BE LOW, SINCE A RECENT ARTICLE IN THE ARCTIC POLICY REVIEW*** INDICATES THAT 1.2 POUNDS OF MEAT WEIGHT IS NEEDED TO MEET THE DAILY REQUIREMENTS OF THE FAR NORTH. THIS ESTIMATE RAISES TO APPROXIMATELY 20 SEALS THE NUMBER OF CARCASSES NEEDED PER PERSON. GIVEN THE CURRENT POPULATION OF THE TWO ISLANDS, OSGOOD'S ESTIMATE WOULD REQUIRE A SUBSISTENCE TAKE OF 13,000-14,000 SEALS. ON ST. GEORGE, THIS ESTIMATE WOULD MEAN 3,400 SEALS WOULD BE REQUIRED.

*** January 1985, pp. 5-8.

THEREFORE, THE ESTIMATE FROM OUR PEOPLE, WHICH INCLUDES SOME SHIPMENT OF SEAL MEAT TO PRIBILOVIAN FAMILY MEMBERS LIVING OFF THE ISLANDS, IS CONSISTENT WITH THE VARIOUS PAST ESTIMATES AND SCIENTIFIC STUDIES.

II. THE MARINE MAMMAL COMMISSION

WE HAVE GOTTEN SOME ORAL, NON-BINDING PROMISES THAT ELIMINATION OF THE TREATY WILL NOT MEAN THE END OF SUBSISTENCE, BUT JUST A TRANSFER OF RESPONSIBILITY FROM THE COMMERCE DEPARTMENT TO THE MARINE MAMMAL COMMISSION. WE ARE JUSTIFIED IN BEING OPPOSED TO SUCH A TRANSFER.

THE MARINE MAMMAL COMMISSION, BY ITS VERY NAME, IS CHARGED WITH PROTECTING THE SEAL AHEAD OF OUR PEOPLE. WHILE WE HAVE HAD DIFFERENCES WITH THE NATIONAL MARINE FISHERIES SERVICE, AT LEAST WE UNDERSTAND EACH OTHER, AND HAVE DEVELOPED A WORKING

RELATIONSHIP. WE KNOW WE CAN CONTINUE TO FUNCTION WITH EACH OTHER AND NOT FEAR FOR OUR SURVIVAL. WE DO NOT KNOW THAT WITH THE MARINE MAMMAL COMMISSION.

WE ALSO THINK THEY WILL ELIMINATE NATIVE ARTS AND CRAFTS USES OF OUR SUBSISTENCE TAKE. I HAVE INCLUDED WITH MY TESTIMONY AN EXCERPT FROM OUR 1984 ST. GEORGE COMMUNITY SOCIAL AND ECONOMIC PLAN WHICH DESCRIBES OUR EFFORTS TO DEVELOP AN ARTS AND CRAFTS COTTAGE INDUSTRY IN COMPLIANCE WITH THE MANDATE OF THE 1983 FUR SEAL ACT AMENDMENTS.

WE ASK THE COMMITTEE TO PUT ITSELF IN OUR PLACE. WOULD YOU WANT YOUR SURVIVAL AND THE CONTINUATION OF YOUR HERITAGE TRANSFERRED TO AN UNKNOWN QUANTITY?

III. TRAGEDY OF THE MORATORIUM

IN 1972, WITH LITTLE NOTICE, CONGRESS AND THE DEPARTMENT OF COMMERCE IMPOSED A MORATORIUM ON THE LONG-STANDING ST. GEORGE COMMERCIAL SEAL HARVEST. IN ESSENCE, YOU ABOLISHED OUR LIVELIHOOD WITH THE STROKE OF A PEN.

BEFORE THE MORATORIUM, THERE WAS ALWAYS AN INNER FEELING OF EXCITEMENT AND ANTICIPATION AS THE SEALS BEGAN ARRIVING ON THE ISLAND AND A SENSE OF JUBILATION AND SATISFACTION DURING AND AFTER THE HARVEST. WE HAVE LOST THIS, AND IT HAS CHANGED THE FEELING AND NATURE OF THE COMMUNITY AS A WHOLE, TRADITIONALLY AND CULTURALLY.

OUR CHILDREN NO LONGER LIVE IN HARMONY WITH THE SEAL AS PRIOR GENERATIONS HAVE DONE, NOR DO THEY LISTEN TO STORIES OF THE HARVEST AT THE FEET OF THE VILLAGE ELDERS. THEY HAVE BEEN DENIED

THE SENSE OF ACCOMPLISHMENT AND TOGETHERNESS WE HAD. THEIR LIFESTYLE HAS CHANGED, AND NOT FOR THE BETTER. UNFORTUNATELY, THAT CHANGE IS PROBABLY PERMANENT.

WE WANT THE COMMITTEE TO KNOW THAT IMPOSITION OF THE MORATORIUM HAS DRASTICALLY CHANGED OUR WAY OF LIFE. IT HAS CONTRIBUTED TO THE LOSS OF POPULATION AND THE REDUCTION OF OUR SPIRIT. IT HAS ROBBED US OF DIGNITY AND OF PURPOSE.

IV. THE MERITS OF THE TREATY

WE ARE TOLD THAT THE NATIONAL GROUPS SEEKING TO TERMINATE THE TREATY ARE FRIENDS OF THE SEAL, AND WANT TO PROTECT THE SEAL FROM THE "RAVAGES" OF THE HARVEST. WE CANNOT BELIEVE THAT ANYONE CAN LOOK AT THE HISTORY AS WE KNOW IT AND REACH THE CONCLUSIONS THEY HAVE REACHED.

I REMEMBER WHEN MY GRANDFATHER DESCRIBED THE CONDITION OF THE FUR SEAL HERD WHEN HE WAS A BOY IN THE EARLY PART OF THE CENTURY. BEFORE THE TREATY WAS IN PLACE, THE HERD HAD BEEN VIRTUALLY DESTROYED. FROM THE TIME THE TREATY WENT INTO EFFECT, THE HERD REBUILT, CLEARLY DEMONSTRATING THAT THE TREATY IS IN THE BEST INTEREST OF THE FUR SEAL POPULATION. YOU NEED NOT BE A BIOLOGIST TO RECOGNIZE THE PLAIN FACTS. WHO IS IN A BETTER POSITION THAN THE ALEUTS TO BE EXPERTS ABOUT THE SEAL?

THERE ARE MANY REASONS FOR THE CURRENT DECLINE IN THE HERD, NONE OF WHICH IS THE EXISTENCE OF THE COMMERCIAL HARVEST. BETWEEN THE MID-1950'S AND THE LATE 1960'S, THE U.S. GOVERNMENT ATTEMPTED TO CONTROL THE RECORD SIZED HERD BY WASTEFUL SLAUGHTER OF THE FEMALES. THIS WAS GOVERNMENT SPONSORED TAMPERING WITH THE SUCCESS OF THE TREATY. OUR ST. GEORGE PEOPLE WERE HORRIFIED AT THE KILLING OF PREGNANT SEAL COWS DIRECTED BY THE GOVERNMENT.

YOU MUST NOT FORGET THAT WE IN THE PRIBILOF ISLANDS HAVE A GREAT FEELING FOR THE SEAL. OUR LIVES HAVE BEEN DEPENDENT ON THE SEAL. PEOPLE WHO LIVE WITH AN ANIMAL FOR MANY GENERATIONS -- EVEN IF THEY KILL IT FOR FOOD -- GROW TO LOVE AND RESPECT THE CREATURE. OUR KNOWLEDGE IS NOT BASED ON TELEVISION DOCUMENTARIES AND OCCASIONAL NEWSPAPER STORIES, LIKE THAT OF SO MANY OF THE SELF-APPOINTED DEFENDERS OF THE SPECIES.

THIS IS WHY WE ARE DISGUSTED WITH THE DETERIORATION OF THE ST. GEORGE HERD SINCE THE MORATORIUM TOOK PLACE. THIS IS ALSO WHY WE ABHOR THE TERRIBLE TRAGEDY THAT HAS BEFALLEN THE SEALS AS A RESULT OF WANTONLY ABANDONED FISHING NETS, PARTICULARLY THOSE MADE OF SYNTHETIC FIBERS. EVERY YEAR, WE SEE INCREASING AMOUNTS OF NET WASHED-UP ON OUR SHORES AND INCREASING NUMBERS OF SEALS SWIMMING WITH NETTING STRUNG AROUND THEIR NECKS.

IF THIS COMMITTEE SEEKS TO AID THE FUTURE OF THE NORTH PACIFIC FUR SEAL, IT SHOULD FOCUS ON THE TRUE PROBLEMS. ABUSE OF THE LAW BY FOREIGN AND DOMESTIC FISHERMEN IS PROBABLY THE MOST PROMINENT REASON FOR THE HERD'S DECLINE, FOLLOWED CLOSELY BY THE KILLING OF COUNTLESS SEALS BY ENTANGLEMENT. MANY FISHERMEN CONSIDER SEALS A NUISANCE AS WELL AS AN EXCELLENT BAIT FOR CRAB AND OTHER SPECIES.

IN OUR VIEW, NOT ONE RELIABLE SCIENTIFIC STUDY HAS DEMONSTRATED THAT THE COMMERCIAL HARVEST IS RESPONSIBLE FOR THE DECLINE OF THE SEAL HERD. FINALLY, WE WANT THE COMMITTEE TO KNOW THAT WE HAVE NO DOUBT THAT ENDING THE TREATY WILL BE FOLLOWED BY UNREGULATED, DESTRUCTIVE PELAGIC SEALING. WE HAVE BEEN TOLD IN NO UNCERTAIN TERMS THAT PELAGIC SEALING BY FOREIGN INTERESTS WILL RETURN IF THE TREATY IS NOT RATIFIED.

V. CONCLUSION

THERE IS A COMMON EXPRESSION THAT APPLIES TO THE PROTOCOL DECISION NOW BEFORE THE UNITED STATES SENATE. THAT EXPRESSION IS: "THE OPERATION WAS SUCCESSFUL, BUT THE PATIENT DIED." IF THE PEOPLE WHO SUPPORT ELIMINATION OF THE TREATY ARE SUCCESSFUL, THEIR EFFORTS TO PROTECT THE SEAL WILL RESULT IN DESTRUCTION OF THE HERD. THEY WILL HAVE THE EMPTIEST OF VICTORIES.

WHO WILL BE THE LOSERS? WE, THE PEOPLE OF THE PRIBILOF ISLANDS WHOSE LIVES HAVE BEEN INTERTWINED WITH THE SURVIVAL OF THE FUR SEALS. YOU, THE UNITED STATES SENATE BECAUSE YOU WILL HAVE TO LIVE WITH THE KNOWLEDGE THAT THIS TRAGEDY COULD HAVE BEEN AVOIDED HAD YOU ACTED OTHERWISE. AND THERE WILL BE OTHER LOSERS, AS IS THE CASE WHEN ANY SPECIES IS DESTROYED OR VASTLY DIMINISHED.

WE ASK THIS CONGRESS TO LOOK AT THE FUNDAMENTAL FACTS: (1) SINCE THE TREATY BEGAN, THE HERD HAS BEEN REBUILT. (2) SCIENTIFIC EVIDENCE DOES NOT POINT TO THE COMMERCIAL HARVEST AS THE CAUSE OF THE RECENT DECLINE IN THE POPULATION. (3) THE ST. GEORGE HERD, WHICH HAS NOT BEEN HARVESTED IN THIRTEEN YEARS, HAS DETERIORATED MORE THAN THE HARVESTED ST. PAUL HERD. (4) OUR PEOPLE, ALL OF WHOM ARE FULL-FLEDGED AMERICAN CITIZENS, HAVE BUILT THEIR LIVES AND CULTURE AROUND A SPECIES THAT WILL BE GREATLY ENDANGERED IF THE PROTOCOL IS NOT APPROVED. AND, (5) FOREIGN INTERESTS HAVE INDICATED THAT PELAGIC SEALING, THE MOST DESTRUCTIVE OF ALL MANAGEMENT REGIMES, WILL RETURN SOON AFTER THE TREATY'S EXPIRATION.

WE HOPE THAT CONGRESS WILL RISE ABOVE ILL-CONCEIVED PUBLICITY AND EMOTIONALISM GENERATED BY NATIONAL PROTECTIONIST GROUPS AND VIEW THE FACTS AS THEY ARE. THE FUTURE OF OUR PEOPLE AND OUR HERITAGE DEPENDS ON YOUR ACTIONS. THE FUTURE OF THE SEAL ALSO WILL BE ASSURED ONLY IF YOU RATIFY THE PROTOCOL.

THANK YOU ONCE AGAIN FOR THE OPPORTUNITY TO ADDRESS YOU TODAY.

Senator **Murkowski**. Thank you very much for that very thought-provoking presentation, Mr. Merculief. Our next witness is Mr. Philemonof, president of the St. George Tanaq Corp.

STATEMENT OF ILIODOR PHILEMONOF, PRESIDENT, ST. GEORGE TANAQ CORP.

Mr. **Philemonof**. Mr. Chairman, my name is Iliodor Philemonof, the coauthor of the testimony that Mr. Merculief just presented. I am the president and CEO of the St. George Tanaq Corp. Our company has 24 shareholders. I have been the president of the corporation for the last 17 months, and I must say that I am proud to say under my leadership and under the board of directors the corporation is reversing its monetary position to a more positive direction.

The Tanaq Corp. is involved in fisheries, tourism, construction, store operations, and a few joint ventures. It was Tanaq Corp. who initiated the concept of a breakwater on St. George, and I must say at this time the contractors have already begun the first phase of the breakwater.

If all goes well according to plan, the breakwater will be completed by next year, which will be St. George's bicentennial year. St. George is looking to get involved in the bottom fishing industry, and we do support the Americanization of the bottom fishing industry.

Tanaq and its counterparts, that is, the other entities on the island of St. George, makes every effort to work together consulting with those who are knowledgeable of the island and its bird and animal habitat and its fragile tundra. A good example is when we do talk to the oil companies, the airlines, and other industries, associated industries.

We have stressed to them time and time again how their operations would disturb the ecosystem if our directions were not followed. We pointed out to them the air and the water corridors, for example, which would least disturb the wildlife on the island.

The Tanaq Corp. supports wholeheartedly the ratification of the protocol. Because we have lived in harmony with the seals and other wildlife, as our forefathers did, and this for 199 years, we believe a controlled harvest is in the best interest of the animals and the ecosystem as a whole.

I thank you, Mr. Chairman, for allowing me to say these few words. I also thank those who support the ratification of the interim convention. I even thank those who oppose the treaty. However, I believe they have misinformed the public, and they have played upon their emotions and exaggerated on their verbs and adjectives. And in most cases I believe their mission is self-serving.

Thank you, Mr. Chairman.

Senator **Murkowski**. Thank you very much, Mr. Philemonof. We appreciate your testimony. Do we have further witnesses to testify?

STATEMENT OF MAXIM LESTENKOF, SR., PRESIDENT, ALEUT TRIBAL COUNCIL OF ST. PAUL, AK

Mr. **Lestenkof**. Yes, there are two more besides me.

Senator **Murkowski**. Please proceed.

Mr. Lestenkof. I am the president of the Aleut Council on St. Paul. One of the tribal counsel's greatest responsibilities is social and economic welfare of our people. The Aleut people of St. Paul Island, AK. The Aleut community of St. Paul, the tribal council, was organized in 1950 under the Indian Reorganization Act of 1934. This was our first major step toward self-government and control of our land and resources.

As the tribal governing body of St. Paul Island, we have the power to deal with the Federal Government on a government-to-government basis. This delegation before you speaks for the tribal government in behalf of the Aleut people of St. Paul and St. George. We are the invisible nation, the fifth party nation to the international treaty for the fur seals.

Our rights and our responsibilities are woven throughout the numerous treaty documents. However, we have no voting rights. The U.S. Government chooses not to recognize the Aleut nation's right to vote in the international treaty. Instead, the U.S. Government uses the trust status. The U.S. Government would vote on what is best for the Aleut nation and their seals. Therefore, we ask you to weigh your heavy responsibilities before you vote.

A vote to kill the Fur Seal Treaty at this time is not in the best interests of the Aleut people or the seals. If you kill the treaty based on political pressures and emotional special interest groups, you will have violated your trust responsibility to the Aleut nation and its resources, the Alaskan fur seals.

We ask you to vote yes on this Fur Seal Treaty. We ask you to support your staff, who you have empowered to assist you in your trust responsibilities. Your staff in the field and at the negotiation tables have been doing a great job in trying to find the balance. They have been working on a master plan to slowly move away from U.S. involvement in fur seal skin businesses.

We do not disagree with this plan. We have always believed the seals to be more than just sealskins. The seals are our life blood. We coexist as one. Without the seals we would be lost. We, the tribal council, have been preparing our people to be self-sufficient and not dependent on Government welfare. We have taken over various government functions on the island to begin the process of self-government.

We are planning for new industry and a new economic base to replace the Government funding of the fur seal harvest. However, we are not advocating for the complete end to the fur seal harvest, only to the end of U.S. funding of the harvest.

The fur seal harvest is our lifestyle, our subsistence lifestyle. It is what we know and do best. To take this away would be to take away our basic human needs. You would be taking away our means to meet our needs for food. You would be taking away our self-image, our pride to be what we do best, hunt seals.

We have the right to continue the fur seal harvest for our subsistence needs. Our traditional needs for the number of fur seals harvested has been as high as 30,000 for subsistence use alone, not 300 or 3,000, as proposed by some city slicker from New York. What do they know of subsistence needs of the Aleut people.

We cannot afford to live their lifestyles. It costs us over $5 a pound for beef, 45 cents for a kilowatt of electricity, $1.45 a gallon for fuel oil. Many people are paying as much as $1,000 a month just for fuel and electricity alone.

Most of our people are employed seasonally in the summer months only. We must subsist off the land if we are to survive. We have been seal hunters for centuries. We take pride in being protectors of the fur seals and other animals and birds of our land. We take great pride and self-image in being the greatest seal hunters of the world.

We object to emotional people who are accusing us of slaughtering the seals and causing a decline in the fur seal population. We have protected the seals for centuries. Recently we have seen outside forces beyond our control affecting our seals. The oceans are being polluted. The fish are being raped from the ocean. Seals are being tangled in fishnets, and development is moving in on our seal habitat.

The balance of nature has been interrupted. We must take all things into consideration if we are to find the balance again. We are a major force in this balance. To cut us out will only add to the imbalance. The fur seal harvest must continue for the sake of the seals and for the survival of our people.

In closing, I ask you all in behalf of my people and for the fur seals to vote yes for approval of the fur seal treaty. Trust your experts on how you meet your trust responsibilities to the Aleuts of St. Paul and St. George. Let us address the issues in a rational and well-planned approach. Give us a voice in how to best protect the seals. We are the experts when it comes to fur seals.

So please hear us. Give us a voice in the future treaty negotiations. I ask you again to vote yes to ratify the treaty, to protect the fur seals, and to fulfill the U.S. Government trust responsibility to the Aleut people. Thank you very much.

[Mr. Lestenkof's prepared statement follows:]

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Michael Zacharof

My name is Maxim Lestenkof, Sr., I am the President of the Aleut Tribal Council of St. Paul. One of the Tribal Councils greatest responsibilities is for social and economic welfare of our people, the Aleut People of St. Paul Island, Alaska.

The Aleut Community of St. Paul, the Tribal Council, was organized in 1950 under the Indian Reorganization Act of 1934. This was our first major step toward self-government and control of our land and resources. As the Tribal governing body of St. Paul Island, we have the power to deal with the Federal Government on a Government to Government basis. This delegation before you speaks for the Tribal Government in behalf of the Aleut People of St. Paul.

We are the invisible nation, 5th party nation to the International Treaty for the Fur Seals. Our rights and responsibilities are woven throughout the numerous Treaty documents. However we have no voting rights, the U.S. Government chooses not to recognize the Aleut Nations right to vote in the International Treaty; instead the U.S. Government chose the Trust Status. The U.S. Government would vote on what is best for the Aleut Nation and their seals.

Therefore we ask you to weigh your heavy responsibilities before you vote. A vote to kill the Fur Seal Treaty at this time is not in the best interest of the Aleut People or the seals. If you kill the Treaty based on political pressures and emotional special interest groups, you will have violated your trust responsibility to the Aleut Nation and its resources, the Alaskan Fur Seals.

We ask you to vote yes on this Fur Seal Treaty. We ask you to support your staff, who you have empowered to assist you in your trust responsibilities. Your staff in the fields and at the negotiation tables have been doing a great job in trying to find the balance. They have been working on a master plan to slowly move away from U.S.A. envolvement in the Fur Seal skin business. We do not disagree with this plan. We have always believed the seals to be more than Seal Skins, the Seals are our life blood, we co-exist as one, without the Seals we will be lost.

We, the Tribal Council have been preparing our people to be self-sufficient and not dependent on Government Welfare. We have taken over various Government Functions on the Island to begin the process of self-government. We are planning for new industry and a new economic base to replace the Government funding of the Fur Seal Harvest.

However we are not advocating for the complete end to the Fur Seal Harvest, only the end of U.S. funding of the Harvest. The Fur Seal Harvest is our lifestyle, our subsistence lifestyle. It's what we know and do best. To take this away would be to take away our basic human needs. You would be taking away our means to meet our needs for food. You would take away our self-image, our pride to be what we do best, hunt seals.

We have the right to continue the Fur Seal Harvest, for our subsistence needs. Our traditional need for the number of Fur seals has been as high as 30,000 seals for subsistence use alone, NOT 300 or 3,000 as proposed by some city slickers from New York. What do they know of the subsistence needs of the Aleut people?

We cannot afford to live their lifestyles. It costs us $5.00/lb for beef, $.45/KWH for electricity, $1.45/gal of fuel oil. Many people are paying $1,000.00/month just for fuel and electricity. Most of our people are employed seasonally in the summer months only, we must subsist off the land if we are to survive.

We have been Seal Hunters for centuries, we take pride in being the protectors of the fur seals and other animals and birds of our land. We take great pride and self-image in being the greatest seal hunters of the world. We object to emotional people who are accusing us of slaughtering the seals and causing a decline in the Fur Seal Population. We have protected the seals for centuries, recently we have seen outside forces beyond our control affecting our seals. The oceans are being polluted, the fish are being raped from the ocean, seals are being tangled in fish nets and development is moving in on our seals habitat. The balance of nature has been interrupted. We must take all things into consideration if we are to find the balance again.

We are a major force in this balance, to cut us out will only add to the inbalance. The Fur Seal Harvest must continue for the sake of the seals and for the survival of my people.

In closing I ask you all in behalf of my people and the fur seals to vote yes, for approval of the Fur Seal Treaty. Trust you experts on how to meet your trust responsibility to the Aleuts of St. Paul and St. George. Lets address the issues in a rational and well planned approach, give us a voice in how to best protect the seals. We are the experts when it comes to the Fur Seals. So, PLEASE HEAR US! Give us a voice in future Treaty negotiations. I ask you again to please vote yes to ratify the Treaty; to protect the Fur Seals and to fulfill the U.S. Governments Trust responsibility to the Aleut people.

Senator MURKOWSKI. Thank you very much, Mr. Lestenkof. I think you brought up a rather interesting point with regard to the obligation and responsibility of your people to the seals. We have already seen a similar commitment from the Eskimos as evidenced in the International Whaling Commission which in itself is a self-governing body internationally recognized to control the subsistence bowhead whale hunt that occurs in the spring. That is internationally recognized in functions, and it may be something that you would wish to reflect on some time.

The next witness—I am sorry I do not have everyone's name on my agenda, but you may begin.

STATEMENT OF RON P. PHILEMONOFF, MEMBER, BOARD OF DIRECTORS, TDX CORP., ST. PAUL ALEUT COMMUNITY

Mr. PHILEMONOFF. My name is Ron Philemonoff. I am a member of the Aleut community of St. Paul. I am on the board of directors to the TDX Corp. I have submitted a written testimony.

Senator MURKOWSKI. It will be entered into the record as if read.

Mr. PHILEMONOFF. I will just give a minute's summary here. The Government pull-out from St. Paul has already caused many adverse impacts socially and economically to the people of St. Paul and St. George. The $20 million trust that everyone speaks about was intended to ease these impacts, but it has not provided to this date any direct benefits to the Aleut people of St. Paul.

In fact, the trust to this date has not made any major investments to develop a new economic base on St. Paul. As any business person will tell you, it takes 3 to 5 years to plan and develop a proper investment, especially when you are talking about creating a whole new economic base.

So the trust that everybody refers to, the money is there, the plans are starting to be put in place, but the development has not taken place. We need more time so we are asking that we continue the commercial harvest to maintain some sort of economic base, at least for the next 4 years, and thereafter we still need the treaty to protect the seals and the other wildlife of the Bering Sea.

Without the treaty, we have both subsistence hunting taking place, we have pelagic hunting taking place, and of course the problems of pollution, net entanglement, and other problems such as overfishing of the stocks is not addressed, so we need the treaty to address all of these problems and needs.

We believe the fur seals will be lost with no treaty in place, and I ask you please to vote for the treaty. Thank you.

[Mr. Philemonoff's prepared statement follows:]

TESTIMONY OF RON P. PHILEMONOFF BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON PROTOCOL AMENDING THE NORTH PACIFIC FUR SEALS CONVENTION

My name is Ron P. Philemonoff. I'm Aleut and a member of the Aleut Community of St. Paul. Like my father before me I come to the capital steps of the United States to seek justice and fairness for my people. I ask you to vote yes! for the fur seal treaty. The treaty not only has a direct impact on the seals but also impacts the social and economic welfare of the Aleut people.

With the purchase of Alaska from Russia the U.S. Government chose to deal with the Aleuts and Alaska Natives as trustor. The U.S. Government would vote on what is best for the Aleut Nation and their fur seals. This has not always been the best situation, for various reasons. The decision makers are half-way around the world from the Pribilofs. The decision process is sometimes politically motivated rather than based on long range planning. Our voice is but a small one compared to the millions of Americans in main stream U.S.A.

Finally in 1940 the U.S. Government recognized our voice. We took our first major step toward self-government by adopting a constitutuion and charter under the Indian Reorganization Act of 1934. Thereafter we filed a claim with the Indian Claims Commission for our land and a claim for fair and honorable dealing under the fur seal treaties. We have since won both these claims, but we still are fighting for the defense of the rights of the Pribilof Island Aleuts.

We are the fifth party to the International Treaty for the fur seals. Our lives and our future are tied directly to the fur seals and the international Treaty. Throughout the various treaties, the rights and responsibilities of the Aleut people are documented, despite our lack of voting power in these treaties.

In the early 1900s we were told by the U.S. Government we shall be the fur seal hunters and we were not allowed to leave the Pribilofs for any reason. To protect the fur seal business the Government placed many restrictions on the Pribilof Aleuts. For example, while our cousin Aleuts in the Aleutians were developing their communities for the fishing industry we were prevented from developing a fishing industry on St. Paul. We were only allowed to fish for subsistence on a limited scale. The Pribilofs were exempt from many Indian legislations to encourage development, i.e., the Native Allotment Act specifically exempted the Pribilof Islands.

It is not that we don't want to be the fur seal hunters, it is that the Government made sure we would always be their fur seal hunters. St. Paul Island could have had the best deep sea port in the whole Bering Sea back in the late 1950s if the Government had not prevented it. We could have had a training fishery economy not dependent on the U.S. Government if the Government fur seal business had not restricted us to being dependent on the Federal Government fur seal business. It was the Government's policy to make us dependent on them for our social and economic welfare as their fur seal hunters.

However, in the early 1960s, this policy started to change. The Government wanted out of the unprofitable fur seal business. They began long range plans to reduce the U.S. Government involvement in the fur seal business. The plan was to shift responsibility for community administration and services to the Aleuts and to encourage and assist in developing commercial enterprises by Aleut people, i.e., Aleut Community store, hotel, or restaurant. But the community was still, and still is today, dependent on the fur seal business as the main economy. We are now in the early stages of redeveloping a new economic base.

In the 1966 Fur Seal Treaty, Titles I and II went further in reflecting the Government's changing policies. It specified the Federal Government's responsibilities for the social and economic welfare of the Aleut people and the means to develop their self-sufficiency. The Government began to address the problem of no economic base without the fur seal business. In 1966 the Corps of Engineers did a feasibility study for a harbor on St. Paul as a means to develop a new economic base, fisheries development; however, the harbor was never funded by the U.S. Government. The only funds made available to the Pribilofs were for the continuation of the harvest. No funds were made available to develop a new economic base not dependent on the fur seal harvest until 1983. For over 20 years the Administration had made plans to create a new economic base on the Islands, to replace the Government-funded fur seal harvest. However, because of limited funds and other reasons, Congress never appropriated any funds to implement these long range plans.

Finally, in 1983 Congress did appropriate a $20,000,000 trust to be shared by both St. Paul and St. George to begin implementing a new economic base, not dependent on the fur seal harvest. That's great; however, any businessman will agree that no matter how much money you have, you can not develop a new economic base overnight. It takes three to five years to implement my business plan.

Many emotional people and some special interest groups have misrepresented the facts of our economic welfare, claiming we have in place a new economic base. They claim the Government has spent over $60 million in the last six years to develop this new economy. The fact is this money was used in the last six years to maintain the fur seal harvest business, not to create a new economy. This did not happen until 1983 and to this date the Pribilof trust fund still has not made a major investment to develop a new economic base. So you can see how misleading the anti seal hunt campaign is. They calim to be understanding of our needs and boast to offer us help in any way they can. How can we trust them to help us when they continuously misrepresent facts, especially when it relates to our basic needs.

Because of the necessary time lines in developing a new economy and because the first phase of the new harbor failed to hold up the Bering Sea, causing a year to two year delay in the harbor development we still depend on the fur seal harvest as the main economic base at least for the next four years, and thereafter we would need the harvest as an underlining economy to new economic base, be it fisheries or oil development. We will always need the fur seal hunt to maintain our lifestyles, subsistence needs, and most of all our self image and respect as the Aleut seal hunters and protector of the seals.

The impacts of ending federal involvement in the fur seal harvest has already caused great distress. Many of our people who used to work 4 to 6 months with the Government can now find work for only 1 to 3 months. On top of that without Government subsidies for transportation and utility costs the cost of living has increased over 200%. For example, to be able to afford and qualify for a HUD low income house a family must earn at least $2,000 income per month in order to meet the HUD formula of paying no more than 25% of your monthly income for house payments and utility costs. So much for low income housing. We are rapidly moving into the cash economy in terms of costs but not in terms of generating income. All we have is the fur seal harvest and some seasonal construction work.

Without the renewal of the Fur Seal Treaty, the seals and the Aleut people would be lost. Our people would be dependent on welfare costing the Government more money. Depression would set in. Many would withdraw into themselves, resort to alcohol and other harmful acts, which would increase medical costs. Please vote yes for the treaty! Save the Aleuts and their seals.

Senator **Murkowski**. Thank you very much, Mr. Philemonoff. May we have the next witness, please?

STATEMENT OF SIMEON SWETZOF, JR., MEMBER, TRIBAL COUNCIL, ST. PAUL ISLAND, AK

Mr. **Swetzof**. Good evening. My name is Simeon Swetzof, Jr. I am a member of the tribal council, and most of all, I am an Aleut hunter taught by my father and his father before him how to hunt the fur seal. I ask you to please vote yes for the treaty passage. I have great pride in being a hunter, the provider of food for my family.

My family and I cannot live the lifestyle of a New Yorker, and we do not want to. Beef costs over $5 a pound on St. Paul, but seal meat is our most available food and to us the best tasting meat there is. That is why it is important for the Aleut men to harvest seals.

What is the difference between killing seals as opposed to cows, pigs, chickens, and fish? They all bleed when killed. Seals are killed in a more humane way than other animals I have heard of. Man is a meateater, and we must kill animals to survive. This is our basic need. Most of you in the big cities do not have to see the bloody process of preparing an animal for your supper. You go to the store and buy your New York steak for $2 a pound. No blood, no killing in sight. That is available in the cash economy in full swing.

We are slowly moving into a cash economy, but we still must subsist off the land to survive.

Senator **Murkowski**. Are you finished?

Mr. SWETZOF. No, I am not done yet. I am sorry. I am nervous here.

Senator MURKOWSKI. Well, then, please continue.

Mr. SWETZOF. We take great pride in being seal hunters. Our whole self-image and respect revolves around being a seal hunter. Killing seals, and subsistence from the annual seal hunt is our tradition and lifestyle. At one time in our history the white man forced us to kill 100,000 seals a year over our better judgment to protect the seals.

Our legends tell of my forefathers keeping the secret of the Pribilofs from the Russians as long as they could to protect the fur seals. We are the great protectors of the seals. We are one with the seals. Without the seals, we will be lost.

Now, you, the wise men elected to govern the United States of America want to stop the seal hunt because of political pressures and emotional stated public advertisements. What about me and the rest of my Aleut people. We do not have the big money to sway public opinion to support the killing of 30,000 seals. These rich special interest groups have misled the public into thinking we can live with only 300 to 3,000 seals.

On closing, I ask you on behalf of the seal hunters to vote yes to the treaty to continue the balance of man and the fur seal. Without the Aleut seal hunt, all will be lost.

Thank you.

[Mr. Swetzof's prepared statement follows:]

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TESTIMONY OF SIMEON SWETZOF

I am a member of the Tribal Council, and most of all, I am an Aleut hunter taught by my father and his father before him how to hunt the Fur Seal. Please vote yes for the Treaty passage.

I have great pride in being a hunter - the provider of food for my family. My family and I cannot live the lifestyle of a New Yorker and we do not want to. Beef costs over $5.00 a pound on St. Paul, but seal meat is our most available food and to us, the best tasting meat there is. That is why it is so important for the Aleut man to harvest seals.

What is the difference between killing seals, as opposed to cows, pigs, chickens or fish? They all bleed when killed. Seals are killed in a more humane way than other animals I have heard of. Man is a meat eater and we must kill animals to survive. This is our basic need. Most of you in the big cities don't have to see the bloody process of preparing an animal for your supper. You go to the store and buy New York steak for $2.00 a pound. No blood, no killing in sight. Thats available in a cash economy in full swing. But in our case we don't have a cash economy in full swing. We are slowly moving into a cash economy. But we still must subsist off the land to survive.

We take great pride in being seal hunters. Our whole self image and respect revolves around being a seal hunter. Killing seals and subsistence from the annual Seal Hunt is our tradition and life style. At one time in our history, white man forced us to kill 100 thousand seals a year, over our better judgement to protect the seals. Our legends tell of my fore fathers keeping the secret of the Pribilofs from the Russians as long as they could, to protect the Fur Seals. We are the great protectors of the seals. We are one with the seals. With out the seals we will be lost.

Now you, the wise men, elected to Govern the United States of America, want to stop the seal hunt because of political pressures and emotional stated public advertisements. What about me and the rest of my Aleut brothers? We don't have the big money to sway public opinion to support the killing of 30,000 seals. These rich, special interest groups have mislead the public into thinking we can live with only 300 to 3,000 seals.

On closing, I ask you in behalf of the seal hunters, to vote YES for the treaty to continue the balance of man and the fur seal. With out the Aleut Seal Hunt, all will be lost.

Senator **Murkowski**. Thank you very much. That concludes the statements of the witnesses from the Pribilof Islands. I want to commend you on the balance that you have given, the importance of the treaty to your livelihood, and your concern about the realities associated with not having a treaty.

I think the statement that was made reflects the fact that the seal is virtually the entire subsistence lifestyle, and I think you would probably acknowledge a major reason for the Aleuts to inhabit the Pribilof Islands.

The fact that with your intimate knowledge you are prepared to testify in favor of the treaty is quite significant, because you are telling my colleagues that you fear, without a treaty, that the very existence of the resource that has been traditional with your heritage will be threatened.

The question of a sustainable harvest and the declining population has been addressed by some of the scientific witnesses who have testified here today. I am interested in knowing if there is any collective opinion among you as to what your subsistence requirements would be, recognizing that we have heard testimony from those in the environmental community who support a subsistence take, but there is qualification that that subsistence take be reasonable.

Keeping that in mind, I am wondering if you could indicate for the record a consensus of a range of what you feel would be the subsistence requirement of the Pribilof residents.

Reverend **Gromoff**. Mr. Chairman, nobody mentioned the time when I was 18 years old. We got into the Army, and we were taken to the Pribilof Islands. In 1942, we were evacuated. In that year we did not catch any seals for 1 year.

In 1 year's time the seal population rose to about 200,000, because I was there, and on both islands we killed 117,000, St. George and St. Paul, 117,000 animals we killed. There was so much overpopulation, and that can decline the herd.

Senator **Murkowski**. Do other witnesses wish to comment on this question? Mr. Merculief?

Mr. **Merculief**. Mr. Chairman, St. Paul has come up with a figure of 11,270 for their needs, subsistence needs for St. Paul, and for St. George, we have come up with 3,900 seals for the community of St. George for subsistence take. That totals 15,170.

Senator **Murkowski**. 15,170 would be the requirement?

Mr. **Merculief**. That would be the requirement.

Senator **Murkowski**. For what?

Mr. **Merculief**. For the subsistence take.

Senator **Murkowski**. For both islands?

Mr. **Merculief**. For both islands. But may I point out that that is only one-third of what we really need? As I stated in the record, it is only one-third of what we actually need.

Mr. **Zacharof**. Mr. Chairman, I would like to add to that if I may, please. We are in the process of building 20 more homes on St. Paul Island at the present time, which will be starting this summer some time, and have requested an additional 20 more homes, the reason for that being, Mr. Chairman, that we are encouraging people who now live in Anchorage, AK, or Seattle to come back to the Pribilof Islands who have expertise, those who have gone to college to come back and give us a hand and help us with our economic base and help us run the community.

So I for one do not mean to dispute the subsistence request, but I do not think that 11,000 would be enough for us.

Senator **MURKOWSKI**. Well, it is 15,000.

Mr. **ZACHAROF**. That is the total for St. Paul and St. George. I am saying that we would need around 18,000 because we are having families come back to the Pribilof Islands who have left for education, for military reasons, whatever. We are encouraging them to come back, so we have new homes coming in, new people coming in, and I can foresee utilizing up 18,000 animals.

Senator **MURKOWSKI**. Let me ask you this. Would you support a treaty if the recommendation of the committee would be to reduce the harvest from the proposed 22,000 to 15,170.

Mr. **ZACHAROF**. Mr. Chairman, that is kind of a difficult question. Let me answer it this way. I think there is room to compromise on both sides. Personally, I cannot speak for the entire Aleut community of St. Paul, but I can say this. If I had my way to negotiate this thing, I would say 16,000 animals for a 20-year treaty, not to be negotiated ever again until 20 years from now, I would support something like that if we had it in writing that when the fur seal population rebounds and comes back higher again, that for every year we know the seals coming back, we get more seals on top of the subsistence, never to go down below 15,000. I see room for compromise right here. That is the way I would handle it. I do not know how everybody else would handle it.

Senator **MURKOWSKI**. Tell me, traditionally, after observing the seals and their life cycle, are many pups killed because of overcrowding of the beaches? When you consider the time when pregnant females were harvested, was there any balance to what was being attempted there or was it just poor judgment on behalf of those responsible for establishing the number in the harvest?

We see in other parts of Alaska efforts to open cow moose season for various reasons including overgrazing. We argue about the merits of whether the wolves are killing the newborn deer and moose, so provisions are made for elimination of some of the wolves.

Are there problems at times with seals being smothered by too many seals on the beach?

Mr. **ZACHAROF**. At one time, Mr. Chairman, it is a known fact that the population showed a slight decline because of hookworm disease among the pups. That was taken care of by spraying some kind of chemical on the rookeries where the pups were walking.

The problem I see here, Mr. Chairman, is this. When the U.S. Government ordered either by the Commission or the Senate or whatever it was when you ordered our people to go out there and harvest 100,000 female seals, the people on St. Paul, the men did not want to do it, but if the men did not do it they would have lost their jobs, so they were forced to go out and take these females when they did not want to do it.

I see that as being one of the reasons why we show a big decline here.

Senator **MURKOWSKI**. What year do you suppose that was? Do you know? Because I am looking at the harvest totals, and since

1955 there have been only 2 years where the harvest has exceeded 100,000.

Mr. ZACHAROF. The females were taken after the commercial harvest of the bachelors. So it was continued on. And the skins were never taken off these females. They were just left there. But you know, everybody knows, common sense tells you when you want to get something done with a herd, you do not go out there and kill the females. You go out there and get the steer.

Senator MURKOWSKI. Yes, common sense would dictate that, but sometimes the Government lacks common sense, but that is nothing new. Tell me, was testimony given—I think it was in the letter from Fouke Co., that one of the reasons for the decline in the market was an overabundance of pelts that had been poorly handled because it got some bad salt or something. You heard the testimony. Would you comment on that?

Mr. ZACHAROF. I will say two things on that, sir. I do believe that the wrong kind of salt was bought to try to save money for the harvest. That caused the hairs to fall out. But I think more importantly——

Senator MURKOWSKI. So if the lady were to buy the fur coat and then go to the opera, it would all fall apart? [Laughter.]

Mr. ZACHAROF. But more importantly, I think what really happened to the fur market was that the protectionists were so successful in what they did, they raised so much static among the people who wear these things and say, look at this, this belongs to a little baby seal.

I will have you know, and everybody here knows, if you do not kill baby seals out there, if a stunner—we do not call them clubbers, but if a stunner accidently clubs a female seal, he is gone just like that. They do not bring him back again. And the only way you can tell a female seal from a male seal when the herd split up is that you have six seals brought up to a stunner.

The stunner looks a seal over, and the only way you can tell the difference between a young female and a bachelor is that the female has longer and narrower teeth and the bachelor has short and stubby teeth. That is why they bring so many at a time, so they can look them over. The stunner says, hey, open your mouth, I want to check you out, and then he goes and does his job.

Senator MURKOWSKI. That is an interesting way to identify males from females. Obviously, it does not apply uniformly. We cannot do much about it, but there are other ways we can tell, fortunately. [Laughter.]

What would you do if you did not have a treaty and your subsistence requirements, 15,170 seals, what would you do with the pelts?

Mr. MERCULIEF. Mr. Chairman, I would like to state my opinion as to what is happening on St. George.

Senator MURKOWSKI. As long as I get an answer to my question.

Mr. MERCULIEF. OK, because of the subsistence hunt that we have on St. George, we killed only 350 last year, but we are down by 6.2 percent, and I believe that brings us down to 329 that we can take this year, but those pelts that are on St. George are going back to the way we salt the pelts back in the early 1900's, and also into 1800's. What kind of quality are you expecting when you salt a pelt?

Senator **Murkowski**. I do not know. I do not buy furs.

Mr. **Merculief**. The technology today, 40 miles away, on St. Paul, they have a better way of salting the skins, and we can do the same thing.

Senator **Murkowski**. What are you going to do with the pelts if you do not have a treaty?

Mr. **Merculief**. What will we do with the pelts?

Senator **Murkowski**. Yes, if there are 15,000 seals taken under a subsistence hunt this year because you do not have a treaty, what is going to happen with the pelts?

Reverend **Gromoff**. We would make use of it for ourselves.

Mr. **Merculief**. We would make use of it for arts and crafts.

Senator **Murkowski**. OK, I have no further questions, gentlemen. I want to thank you for traveling the long distance to submit your testimony. I want to personally shake your hands, but maybe you will bear with us until the end of this hearing and we can do it then.

Mr. **Zacharof**. I have a question to ask you. Can we keep the nametags for ourselves?

Senator **Murkowski**. It is all right with me, but you had better ask the boss man over there. He probably has a big alphabet and may want those back, but I do not run that department. [Laughter.]

The next group we will hear as a panel, because we have plenty of chairs. Even though they may have diversified opinions, I think the table nonetheless is big enough so that we can manage to referee it. We will next hear from Mr. Charles A. Black, chairman of the Fur Seal Panel; Ms. Lucy Sloan, executive director of the National Federation of Fishermen; from Alaska, Mr. Norman Cohen, associate director for fisheries and environment, from the office of our Governor; Dr. Allen Springer, associate professor, University of Alaska Institute of Marine Studies; and representing the Marine Mammal Commission, Mr. Robert Hoffman, director of scientific programs.

This concludes my witness list. I assure you that the completion of this will conclude the hearing. With that you may proceed in any manner that you wish. I want to thank those of you who are still with us.

Mr. Cohen, you look organized.

STATEMENT OF NORMAN COHEN, ASSOCIATE DIRECTOR FOR FISHERIES AND ENVIRONMENT, OFFICE OF GOV. BILL SHEFFIELD OF ALASKA

Mr. **Cohen**. Thank you, Mr. Chairman, for the opportunity to testify before the committee concerning the ratification of the protocol amending the interim convention for the conservation of the North Pacific fur seals.

My name is Norman Cohen, and I am here representing Gov. Bill Sheffield of the State of Alaska. I will summarize the State's testimony and request that the Governor's full statement be entered in the hearing record.

On behalf of the State of Alaska, I would like to express our support for the ratification of the pending protocol. Our statement addresses our concerns which would likely result from failure to ratify the protocol. These include the potential for pelagic sealing, the loss of cooperative research, and the end of the scientific management of the fur seal population as a part of the ecosystem of the North Pacific and Bering.

Further, the rejection of the protocol will have an adverse effect on the economy of the Pribilof Islands. The commercial harvest on St. Paul Island does not from the view of our scientists contribute to the decline that the fur seal is presently undergoing. Failure to ratify the protocol will create an environment much more likely to continue to the population's current decline.

On behalf of the residents of the State, we support the continuation of the protocol and the scientific management of the North Pacific fur seal. Ratification is in the best interest of our State residents as well as the interests of the U.S. policy for the conservation of renewable resources around the world.

Thank you for this opportunity to testify. If there are any questions, I will try to answer them. Thank you.

[Governor Sheffield's prepared statement follows:]

TESTIMONY OF GOVERNOR BILL SHEFFIELD IN SUPPORT OF THE RATIFICATION OF THE PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE ON JUNE 13, 1985

Mr. Chairman:

The State of Alaska is pleased to testify today in support of the ratification of the 1984 protocol amending the Interim Convention on Conservation of North Pacific Fur Seals. In our view, the Convention is the most appropriate means to ensure the continuation of conservation measures intended to maintain the fur seal population over the long term. A defeat of the protocol would more than likely lead to a further reduction in the fur seal population rather than result in any long-term benefit to this extremely valuable natural resource.

As I wrote to each of the members of this Committee on March 18, 1985, the State of Alaska believes that there are, at a minimum, seven reasons why the protocol should be ratified. Without reiterating all of the points raised in that letter, there are three points which we feel are of particular interest to those concerned about the fur seal population and the residents of the Pribilof Islands.

First, the Interim Convention embodies an international recognition of the importance of the North Pacific Fur Seal. In this regard, scientific research is conducted on a cooperative basis with other Convention signatories, and the population is managed throughout its range rather than by individual nations subject to the potentially different wildlife management policies within their exclusive economic zones. Most importantly, under the Convention, the fur seals are managed with the intent to conserve and protect the resource.

Second, our best scientific information indicates that the regulated harvest which takes place under the provisions of the Convention has not led to the current decline in the fur seal population. The commercial harvest on St. Paul Island of approximately 20,000 sub-adult males is a benefit to the stocks by aiding in achievement of optimum population levels and helping to diminish the stress that the population is currently undergoing. Rejection of the protocol, which would again allow pelagic sealing, is the real cause for concern for the continued long term health of the resource.

Third, as you will hear directly from those Alaskans who will be most affected by the action of this Committee and the full Senate, the harvest of the fur seal under the Convention is an extremely important part of the life of the

Pribilof residents. The harvest provides needed employment to the residents of St. Paul Island, which is even more critical now that the federal government is removing itself financially from the Pribilofs. Additionally, the Aleut residents have developed a cultural tie to this resource which will likely be undone by the failure of the Senate to ratify the protocol.

The islands' residents, as well as the State of Alaska, are very concerned about the future well-being of the North Pacific fur seal. The international implications of the rejection of this Convention would undoubtedly be to disrupt other United States efforts to conserve renewable resources around the world. The ratification of the protocol is in the best interests of North Pacific fur seal and the United States. I urge the Committee to report the protocol favorably to the full Senate for its consideration of this most important resource issue.

Thank you for the opportunity to present these views on behalf of the State of Alaska.

Senator **Murkowski**. Thank you very much, Mr. Cohen. I appreciate your direct and succinct comments, and the fact that you summarized the majority of your statement.

Ms. Sloan, would you go next?

STATEMENT OF LUCY SLOAN, EXECUTIVE DIRECTOR, NATIONAL FEDERATION OF FISHERMEN

Ms. **Sloan**. Thank you, Mr. Chairman.

I am here today to express our interest in just two points which this convention represents. One, our members have consistently supported wherever possible international cooperation in science and the exchange of management views. The Fur Seal Commission allows this, and we think that that is a very important area as we have become increasingly involved in the fisheries in the Bering Sea.

We also regard this treaty as a successful treaty because it is the only management mechanism for marine mammals to which the United States is a party. We have the Marine Mammal Protection Act, and we have the Packwood-Magnuson amendment to the Magnuson Fishery Conservation and Management Act, and both of those are protectionist.

This is the only part of the U.S. involvement in marine mammals that acknowledges that marine mammals can be managed as part of an ecosystem rather than protected as functionally U.S. law and practice have led to. This has presented a growing problem for my people on the west coast in Alaska, and now I am afraid we are beginning to see it on the east coast as well, and therefore any mechanism which encourages management rather than protection of marine mammals is an idea in which we are interested to expand in U.S. practice, and that combined with the fact that it is an international organization which provides for the exchange of scientific information and management views is something which leaves us, as we have in the past, to support the continuation of the Fur Seal Commission. Thank you.

[Ms. Sloan's prepared statement follows:]

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13 June 1985

Testimony before
Senate Ctte on Foreign Relations
on the
NORTH PACIFIC FUR SEAL CONVENTION

Good afternoon, Mr. Chairman, Senators. I'm Lucy Sloan, Executive Director of the National Federation of Fishermen. NFF is the only national organization of commercial fishermen. Our members fish from Alaska to Mexico and from the Gulf of Maine to the Gulf of Mexico. Among the species they harvest are demersal and pelagic finfish, crab, salmon, albacore tuna, shrimp, swordfish, lobsters, clams, and scallops.

Our concern that the United States continue as an active member of the North Pacific Fur Seal Commission is a component of our long-standing support for ecosystem management, rather than for protection of specific species within any ecosystem. As many of you know, marine mammal/fish interactions have been a major--and increasing in some areas--problem in several of our fisheries on the West Coast and off Alaska, as well as in the tuna fishery. Sadly, we may also be beginning to see a conflict in the Gulf of Maine.

For these reasons we continue strongly to support the United States' involvement in this successful international conservation and management Commission. For the fishermen whom I represent, this positive example of a management organization, especially an international organization, which has been able to work toward a balance within an ecosystem of a marine mammal as a component of that system is extremely important as a precedent.

If we are fully to realize the opportunities which the Magnuson Fishery Conservation and Management Act envisions, we must take care in each fishery to assess optimum balances among ecosystem populations. In some fishery management plans, we are beginning to work toward this goal, but even among only fish species it is difficult, for many fisheries managers have yet incompletely understood the range of potential for fisheries development which optimum yield represents.

We therefore seek to work with you and with your colleagues to ensure that this unique conservation and management opportunity for the United States continue to provide an example of successful ecosystem management to which we may aspire. Given the opportunities for further evaluation and reassessments of the United States' involvement in the Commission, we urge Senate ratification of the North Pacific Fur Seal Convention.

Thank you.

Senator MURKOWSKI. Thank you very much, Ms. Sloan.

Mr. Hofman, would you care to go next?

STATEMENT OF ROBERT J. HOFMAN, PH.D., SCIENTIFIC PROGRAMS DIRECTOR, MARINE MAMMAL COMMISSION

Dr. HOFMAN. Thank you, Mr. Chairman. In recognition of the late hour, I would like to submit for the record the entire text of the Marine Mammal Commission's comments on the extension of the interim convention and to briefly summarize those comments now.

Senator MURKOWSKI. Your entire statement will be entered into the record, and I appreciate that.

Dr. HOFMAN. The full comments provide background information, comments on the petition to list the North Pacific fur seal as threatened, a description of the action presently under consideration, and the Commission's views on what might be an appropriate course to follow.

As you know, we now face a critical point in the history of the North Pacific fur seal. The population is far below the levels of the 1950's, and is declining at a rate which will see it halved within 7 to 10 years. To date the cause of the decline has not been documented and an effective program has yet to be developed to determine the cause and to stop and reverse the decline.

The funds which the Senate appropriated in fiscal year 1985 for studies of net entanglement and of the Bering Sea food chain should enable the National Marine Fisheries Service to take the necessary first steps in determining the cause and measures that can be taken to stop and reverse the population decline. This, however, is but a beginning.

The Commission is concerned that if the Interim Convention on Conservation of North Pacific Fur Seals is not extended, there is considerable risk that it will not be possible to develop bilateral or multilateral agreements which would be either as effective or more effective than the mechanisms available under the existing Convention for developing and implementing needed research and conservation measures, including the prevention of pelagic taking. For this reason, the Marine Mammal Convention supports extension of the Interim Convention. However, the Commission questions whether a continued commercial harvest of subadult male fur seals can be justified on either biological or economic grounds. It recommends that the United States propose a suspension of further commercial harvest of fur seals on St. Paul Island pending an evaluation of the likely effectiveness of those steps being taken to address and hopefully to reverse the continuing population decline.

While the Marine Mammal Commission recognizes that the National Marine Fisheries Service has made the determination that the Pribilof fur seal population is not threatened under the Endangered Species Act, the Commission believes that the Service should in its efforts to determine and eliminate the cause or causes of the population decline promptly develop, adopt, and implement a recovery plan for the Pribilof Island fur seal population. Such a plan should be similar in form and content to the plans required under the Endangered Species Act. We have done a preliminary outline of points that should be included in such a plan, and I would be pleased to briefly review them as well as to submit the outline for the record.

In addition to believing that the Service should develop and be guided by a recovery plan, the Commission believes that the National Marine Fishery Service should seek the fullest cooperation possible from the other parties to the interim convention in carrying out that plan.

To summarize, Mr. Chairman, the Commission believes that the protocol should be ratified so as to extend the Convention, that the commercial harvest of North Pacific fur seals on St. Paul Island should be suspended, that there should be an intensive review of the Convention within the next 2-year period, that a recovery plan should be promptly developed and implemented to address and reverse the population decline, and that every effort should be made to elicit the strongest possible international cooperation in these research and conservation endeavors.

I would be happy to answer any questions that you may have, sir.

[Dr. Hofman's prepared statement follows:]

Statement of Robert J. Hofman, Ph.D.
Scientific Program Director
Marine Mammal Commission
Senate Committee on Foreign Relations
13 June 1985

Thank you, Mr. Chairman and Members of the Committee, for inviting me to present comments on the extension of the Interim Convention on Conservation of North Pacific Fur Seals. In recognition of the extraordinarily heavy agenda before you, I would like your permission to submit for the record the entire text of the Marine Mammal Commission's "Comments on the Extension of the Interim Convention on Conservation of North Pacific Fur Seals", and to briefly summarize the Commission's position now. The full comments, which are appended, provide background information, comments on the petition to list the North Pacific fur seal as "threatened", a description of the action presently under consideration, and our views on what might be an appropriate course to follow.

As you know, we now face a critical point in the history of the North Pacific fur seal. The population is far below the levels in the 1950's, and is declining at a rate which will see it halved within seven to ten years. To date, the cause of the decline has not been documented and an effective program has yet to be developed to determine the cause and to stop and reverse the decline. The funds which the Senate appropriated in Fiscal Year 1985 for studies of net entanglement and of the Bering Sea food chain should enable the National Marine Fisheries Service to take the necessary first steps in determining the causes and addressing impacts. However, this is only a beginning.

The Commission is concerned that, if the Interim Convention on Conservation of North Pacific Fur Seals is not extended, there is considerable risk that it will not be possible to develop bilateral or multi-lateral agreements which would be either as effective or more effective than the mechanisms available under the existing Convention for developing and implementing needed research and conservation measures, including the prevention of pelagic taking. For this reason, the Marine Mammal Commission supports extension of the Interim Convention.

However, the Commission questions whether a continued commercial harvest of subadult male fur seals can be justified on either biological or economic grounds, and it recommends that the United States propose a suspension of further commercial harvest of fur seals on St. Paul Island pending an evaluation of the likely effectiveness of those steps being taken to address and, one would hope, reverse the continuing population decline.

While the Marine Mammal Commission recognizes that the National Marine Fisheries Service has made the determination that the species is not "threatened" under the Endangered Species Act, the Commission believes that the Service should, in its efforts to determine and eliminate the cause(s) of the population decline, promptly develop, adopt, and implement a Recovery Plan for the Pribilof Island fur seal population. Such a plan should be similar in form and content to the plans required under the Endangered Species Act, and we have done a preliminary outline of points for inclusion. I would be pleased to briefly review them now as well as to submit the outline for the record. In addition to our belief that the Service should develop and be guided by a Recovery Plan, the Commission also believes that the National Marine Fisheries Service should seek the fullest cooperation possible of the other Parties to the Interim Convention in carrying out that plan.

To summarize, Mr. Chairman, we believe that the Protocol should be ratified so as to extend the Convention, that the commercial harvest of North Pacific fur seals on St. Paul Island should be suspended, that there should be an intensive review of the Convention within the next two-year period, that a Recovery Plan should be promptly developed for a comprehensive research and management program to address and reverse the population decline, and that every effort should be made to elicit the strongest possible international cooperation in these research and conservation endeavors.

MARINE MAMMAL COMMISSION
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Comments on the Extension of the Interim Convention on Conservation of North Pacific Fur Seals

The Interim Convention on Conservation of North Pacific Fur Seals, which entered into force on October 14th, 1957, has been extended by a succession of Protocols. A new protocol is now before the Senate to extend the Convention for another four years. That protocol is the subject of this analysis.

The objective of the Convention, to which Canada, Japan, the United States, and the U.S.S.R. are parties, is to achieve "the maximum sustainable productivity of the fur seal resources of the North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area."

Among other things, the Convention also provides that Parties will coordinate necessary scientific research and cooperate in fur seal investigations. In this regard, the Convention establishes the North Pacific Fur Seal Commission whose duties include: recommending necessary research programs to the respective Parties for implementation; reviewing data developed from the implementation of research programs; and recommending such management measures as may be indicated by research findings to the Convention Parties.

The Convention prohibits pelagic sealing and provides for the sharing of pelts from the land harvest carried out by the United States on the Pribilof Islands and by the Soviet Union on the Commander Islands and Robben Island. For the past ten years, the U.S. harvest has averaged about 25,000 subadult male fur seals annually. The annual Soviet harvest currently is about 7,500 seals. At its April 1985 meeting, the North Pacific Fur Seal Commission authorized a maximum 1985 take of 22,000 subadult males on St. Paul Island and 7,100 on the Commander Islands and Robben Island.

Prior to the beginning of commercial exploitation in the late 1700's, the Pribilof Island fur seal population is estimated to have numbered between 2 and 2.5 million animals, of which 1.6 to 2.0 million animals were on St. Paul Island (Environmental Impact Statement on the Interim Convention on Conservation of North Pacific Fur Seals, February 1985). In the early 1950's, the Pribilof Island fur seal population probably was at or near the pre-exploitation level. In the late 1950's, it was believed, on theoretical grounds, that the population was too large to produce the maximum yield and, from 1956 through 1962, a number of females, as well as males, were harvested to reduce the population. From 1963 through 1968, an effort was made to stabilize the population by harvesting only females believed to be in excess of the number needed to maintain a stable population.

As a result of the female harvest, the St. Paul Island fur seal population decreased from about 1,800,000 in the early 1950's to about 930,000 in 1970. No intentional commercial harvest of females has taken place since 1968 and, by 1975, the St. Paul Island population was estimated at 1,110,000. However, by 1979, the St. Paul Island population had declined to about 990,000. The St. George Island population also declined during this period even though commercial harvesting was stopped in 1973 as part of an experiment to determine the effects of harvesting on population growth and age/sex structure. The current population estimate for both St. Paul and St. George Islands together is 871,000.

The present Pribilof Island fur seal population is less than 50 percent of its pre-exploitation size and is declining at an annual rate of about 6.5 percent. This is below the level of maximum net productivity, and, if the population were being managed under the Marine Mammal Protection Act, no commercial harvest could be authorized. While part of the population reduction can be attributed to the harvests of females from 1956 through 1968, the continuing population decline is due to decreased at-sea survival, primarily of the younger age classes. Although the cause or causes of the decrease in at-sea survival have not been documented, the decrease seems to be due, at least in part, to mortality resulting from entanglement in lost or discarded fishing gear and other marine debris.

It also has been postulated that the substantial fishery development and/or changes in prey populations in the Bering Sea are contributing to the fur seal population decline with a concurrent decline in at least some Northern sea lion populations. Comparisons of current and past pup weights and other possible indices of food stress show no declines and suggest that food stress probably is not causing or contributing to the population decline. However, there are unexplained correlations between prey availability and population trends so that further studies are required.

Petition to List the North Pacific Fur Seal Threatened Under the Endangered Species Act

Because of the continuing decline of the Pribilof Island fur seal populations, the uncertainty about the cause or causes of the decline, and the likely effectiveness of steps being taken to stop and reverse it, the Humane Society of the United States petitioned the National Marine Fisheries Service in January 1984 to designate the North Pacific fur seal "threatened" under the Endangered Species Act of 1973. In its comments on the petition, the Marine Mammal Commission indicated:

"It is clear that: the Pribilof Island fur seal population is declining, the population currently is below its optimum sustainable population level, and the population will be half its present size in approximately seven to ten years if it continues to decline at its present rate. Although the precise cause of the Pribilof Island population decline is not known, it appears likely that entanglement in lost and discarded fishing gear and other debris is a contributing factor, if not the major factor. It is possible but doubtful that the continuing harvest of subadult male fur seals may be affecting population size. Disease and predation do not appear to be important factors but cannot be ruled out. In the future, possible oil spills and disturbance from onshore and offshore oil and gas related development and tanker transport in the vicinity of the Pribilof Islands could pose new threats to the population.

"Therefore, if steps currently being taken by the U.S. and other Parties to the Interim Fur Seal Convention are insufficient to identify and eliminate or mitigate the cause or causes of the population decline in the near future, the population could decline to the point where it would be in danger of extinction in the foreseeable future and should be considered threatened at the present time. The risk of such a decline would of course be increased by offshore oil and gas development, fishery development, port construction, or other activities in and near the species' range, particularly on or around the Pribilof Islands, if and when such activities occur. Given the circumstances, regardless of any uncertainty concerning the possible role of the male harvest, it seems that a designation of threatened would be appropriate and that the development of a recovery plan, which such a designation would require, would be beneficial." (letter, Marine Mammal Commission to National Marine Fisheries Service, 17 August 1984).

The National Marine Fisheries Service subsequently determined that it would not designate the North Pacific fur seal threatened stating that: the population is above its exploitation size earlier this century; they do not consider the decline the result of measures taken under the Convention; and listing the species as threatened would not measurably improve upon the protection provided under the Convention. The decision, apparently based upon a finding that actions being taken under the Convention will be sufficient to address the causes of the decline, prompted the Marine Mammal Commission to ask the Service to precisely describe those steps, either underway or proposed, that are being taken to determine the causes of the decline and to stop and reverse that decline. The Commission awaits that response.

The Proposed Action

A Protocol extending the Interim Convention on Conservation of North Pacific Fur Seals for four years was signed by the party governments (Canada, Japan, the United States, and the U.S.S.R.) on October 12th, 1984. Attached to the Protocol is a statement noting that concern had been expressed about the decline of the fur seal populations, current economic conditions, and other problems related to fur seal conservation and utilization, and indicating that the party governments share the view:

> "(1) that, in accordance with Article II of the Convention, additional research should be conducted concerning current aspects of fur seal conservation including the problem of entanglement of fur seals in lost or discarded fishing nets, gear, and other debris;
>
> "(2) that, in accordance with Article X of the Convention, and in conformity with their national laws, the Governments will take appropriate measures to prohibit the disposal at sea in the Convention areas of synthetic materials, such as fishing nets, or parts thereof, fishing gear, ropes, packing bands, and other debris which might lead to the entanglement of fur seals, in accordance with the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter, of December 29, 1972;
>
> "(3) that, in accordance with Article X of the Convention, it may be necessary during the interim period of the Convention to take into account unforeseen circumstances as noted by the States of fur seal origin [the U.S. and the U.S.S.R.] in considering measures to be taken for conservation and management of the fur seal population; and
>
> "(4) that, taking into account, Article XIII, paragraphs 4 and 5, as well as Article V, paragraph 2(e), within two years after the entry into force of the 1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals and considering current factors, the Governments will review the operation of the Convention to determine what further agreements would be desirable in order to achieve the objectives of the Convention."

Evaluation of the 1984 Protocol and Accompanying Statement

In essence, the referenced Protocol and accompanying statement by the party governments do the following: they extend the Interim Convention on Conservation of North Pacific Fur Seals for a period of four years (until October 1988); they recognize that the Pribilof Island fur seal population is well below the level of maximum sustainable productivity; they recognize also that the Pribilof Island fur seal population is continuing to decline and that this decline may be due, at least in part, to mortality caused by entanglement in lost or discarded fishing gear and other marine debris; they call upon the party governments to take unspecified measures, in accordance with their national laws and the provisions of the Convention on the Prevention of Marine Pollution, to prohibit at-sea disposal of synthetic materials which might lead to the entanglement of fur seals; they indicate that it may be necessary for the U.S. or the U.S.S.R. to propose emergency conservation and management measures during the interim period between annual Fur Seal Commission meetings and the actual harvest to take account of unforeseen circumstances; and they indicate that the party governments will undertake a review of the operation of the Convention within two years to determine whether the Convention should be changed or renegotiated to address any of the above issues.

The North Pacific Fur Seal Commission has been aware, for at least the past decade, that fur seals are being entangled and killed or injured in lost and discarded fishing gear and other marine debris. In 1975, the Fur Seal Commission's Standing Scientific Committee noted that, on St. Paul Island, the incidence of entangled fur seals had increased nearly fourfold between 1967 and 1975. Subsequently, the party governments attempted to address the problem by distributing posters, brochures, and other educational material to the fishing industries involved in the North Pacific. In some areas, they also tried to clear beaches of debris considered dangerous to fur seals and other marine life.

By 1982, however, it was not apparent that these efforts had diminished fur seal entanglement and it was also recognized that the impact of entanglement might be even more serious than previously thought. Therefore, in 1982 and subsequently, the Marine Mammal Commission recommended that the National Marine Fisheries Service convene an international workshop of scientific and technical experts to more fully assess the situation and that the Service also take certain other steps to address the entanglement problem. The Commission, as noted in its Annual Reports to Congress for 1982, 1983, and 1984, also developed the Terms of Reference for such a workshop, provided initial funding, and took other actions to facilitate its taking place. The "Workshop on the Fate and Impact of Marine Debris" was held in Hawaii in late November 1984.

Workshop participants concluded that alarming amounts of potentially hazardous debris were being lost or discarded in the marine environment and that substantial numbers of marine mammals, sea birds, sea turtles, and other marine species were being killed and injured due to entanglement in and ingestion of various types of debris.

Congress reacted promptly to address the situation. In Fiscal Year 1985, the Senate and House appropriated $1,000,000 to the National Marine Fisheries Service to develop a program, in consultation with the Marine Mammal Commission, to address the marine debris problem. Although presently funded at only $750,000, a program has been developed and the Service is now taking the initial steps to see that it is carried out.

The Position of the Marine Mammal Commission Concerning the Protocol and Accompanying Statement

Although neither the North Pacific Fur Seal Commission nor the National Marine Fisheries Service has developed and implemented an effective program to document and eliminate or mitigate the cause or causes of the continuing fur seal population decline, the funds appropriated by Congress for the previously noted entanglement studies and for studies of the Bering Sea food chain should enable the Service to take the steps necessary to better determine the cause or causes of the continuing population decline and perhaps to take steps to diminish the impact of the described causes.

If the Interim Fur Seal Convention is not extended, there is considerable risk that it would not be possible to develop bilateral or multi-lateral agreements which would be either as effective or more effective than the mechanisms available under the existing Convention for developing and implementing needed conservation measures including the prevention of pelagic taking. For this reason, the Marine Mammal Commission supports extension of the Interim Convention on Conservation of North Pacific Fur Seals.

However, the Commission questions whether a continued commercial harvest of subadult male fur seals can be justified on either biological or economic grounds, and it recommends that the United States propose a suspension of further commercial harvests of fur seals on St. Paul Island pending an evaluation of the likely effectiveness of those steps being taken to address and, one would hope, reverse the continuing population decline.

While the Marine Mammal Commission recognizes that the National Marine Fisheries Service has made the determination that the species is not "threatened" under the terms of the Endangered Species Act, the Commission nonetheless believes that the National Marine Fisheries Service should, as an integral part of its efforts to eliminate the cause or causes of this population decline and reverse that decline, promptly develop, adopt, and implement a Recovery Plan for the Pribilof Island fur seal population. Such a Plan should be similar in form and content to plans required under the Endangered Species Act. Furthermore, the Commission believes that the National Marine Fisheries Service should seek the fullest cooperation possible of the other Parties to the Interim Convention on Conservation of North Pacific Fur Seals in carrying out that Plan.

Senator **Murkowski**. I am just interested in your conclusion which indicates that you feel the treaty should be ratified, but that no harvest should occur until the reduction has been turned around, and yet you do not identify what is causing the reduction.

Dr. **Hofman**. I think, Senator, that is precisely the point. You have heard today that there is no evidence that the harvest is causing the decline. Nobody has told you what is causing the decline, and the reason nobody has told you what is causing the decline is because nobody knows.

It seems to me that that really is the issue.

Senator **Murkowski**. Well, that is your job. You are the scientific community. You have been working at it for a long time. In testimony, we heard the decline is due to net entanglements, which causes pup decline. How do you draw conclusions? Somebody goes out on a limb and makes a scientific evaluation, some of which we have already had today.

Dr. **Hofman**. Would you like me to respond to that?

Senator **Murkowski**. Sure, that is why you are here.

Dr. **Hofman**. There have been several questions raised and I think that some issues are being mixed up. The issue as I think the Marine Mammal Commission sees it is ratification of the protocol versus continuation of "business as usual."

You have asked and others have asked as I sat through the testimony today, has the convention been successful? It seems to me that there is little doubt that the answer to that is yes. However, if you look further, you see that the population is declining, and the cause has not been documented. Needed actions have not been described or implemented.

It is true that there is no evidence that harvesting has caused or contributed to the decline. It also is true that there is no evidence that harvesting has not caused or contributed to the decline. Basically the harvest issue, it seems to me, comes down to the issue as to whether we should continue harvesting until there is proof that the harvest is causing the decline, or whether we should suspend the harvest until there is proof that the harvest is not causing the decline.

Senator **Murkowski**. Do you support the subsistence sealing?

Dr. **Hofman**. I think you must apply an absolutely different standard to answer that question.

Senator **Murkowski**. Well, the seals are dead in either case.

Dr. **Hofman**. I did not hear you, Senator.

Senator **Murkowski**. I said the seals are dead in either case. So I ask the question, do you support subsistence sealing or not?

Dr. **Hofman**. I will answer that question this way by saying I think it is clear that people are more important than seals. Subsistence is taking an animal for food, for clothing, for shelter.

Senator **Murkowski**. I understand the definition of subsistence.

Dr. **Hofman**. Well, I think the answer is, of course.

Senator **Murkowski**. Your position is that the protocol should be ratified, but that there should be no commercial harvest, and further, that the subsistence requirements are appropriate.

Dr. **Hofman**. No, Senator, that is not the Commission's position. The Commission's position is that the commercial harvest should be suspended pending a determination of what is causing the decline. The issue, I think, of subsistence harvest is a different issue, and to link it with a commercial harvest, I think, is inappropriate.

Senator **Murkowski**. Why?

Dr. **Hofman**. Because resources have many, many values. One value is subsistence. One is ecological. Another is scientific. Others are economic values for both consumptive and nonconsumptive uses, and asthestic values. Of those I think subsistence clearly is the top priority.

Senator **Murkowski**. Even if the species are endangered?

Dr. **Hofman**. Both the Endangered Species Act and the Marine Mammal Protection Act provide for subsistence hunting of endangered species. There is, for example, a subsistence hunt of bowhead whales.

Senator **Murkowski**. I understand that, but from the standpoint of your own priority, the priority is to the subsistence, regardless of the threat upon the resource and its viability.

Dr. **Hofman**. Well, you have posed the question a bit differently.

Senator **Murkowski**. Is the species not endangered or threatened under either application? That is the question that one would have to pose.

Dr. **Hofman**. I disagree, sir.

Senator **Murkowski**. Well, there are dead seals in either case.

Dr. **Hofman**. But that is not the issue.

Senator **Murkowski**. It very much is the issue.

Dr. **Hofman**. The issue is with regard to subsistence whether or not there are dead or starving people.

Senator **Murkowski**. We are not talking about people.

Dr. **Hofman**. But that is what subsistence hunting is for.

Senator **Murkowski**. We are talking about seals, and I think to reflect and extend the argument beyond the question that I have posed is not going to get either one of us anywhere, so I am not going to continue. Mr. Black.

STATEMENT OF CHARLES A. BLACK, CHAIRMAN, FUR SEAL PANEL, NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Mr. **Black**. Thank you, Mr. Chairman. I would like to please note for the record that the National Advisory Committee on Oceans and Atmosphere [NACOA] that I am here representing, wishes our report to be in the record.

Senator **Murkowski**. A summary of it will be entered into the record as if read.

Mr. **Black**. In response to your obvious encouragement to go fast, I will skip over some portions of my testimony, but I will go only as fast as I can. However, I think it would be useful if perhaps I introduced NACOA to you, sir, a little differently than perhaps it has been introduced before.

The reference was made, I think, from the Chair that this was not a scientific organization, which is technically right, but which casts us in kind of a little shadow. I would like to tell you who we are.

Senator **Murkowski**. Please do.

Mr. Black. The National Advisory Committee on Oceans and Atmosphere is charged by Public Law 95-63 to advise the President and Congress on matters of national oceanic, atmosphereic and coastal zone policy. NACOA's 18 members are appointed by the President, and are drawn from academia, industry, and State and local government. We testify with some regularity before various committees of the House of Representatives and the Senate, in addition to producing special reports on oceanic and atmospheric issues, and our mandated annual report. Our work is sometimes initiated by congressional or Federal agency requests, and often by initiatives from our own membership. We are 18 people. About a third of us are scientifically qualified. About a third of us are successful businessmen in marine, oceanographic, and meteorological matters, and about a third of us are from academia, technically qualified.

Personally, although I think this is a self-serving statement, my own background is in marine biology, and for 30 years I have been in a successful marine and fisheries scientific business. I still am.

I would like to also say that, lest anybody be led to believe that this document which I have asked to have go in the record is not a technically and scientifically acceptable document, every fact, every statement, everything that we have in this document up until our conclusions and recommendations has been read by and endorsed by the finest scientists that we can lay hands on in the U.S. Government, including many that have testified before you today.

What we have prepared for you, Mr. Chairman, and for the members of the committee is a document for, we hope, your assistance in reaching what amounts to an executive decision on a very complex problem, and we hope as you wind your way through it that it will give you clues as to routes you might go in solving this dilemma.

We base all of our conclusions and our recommendations on documented scientific and technical fact, a philosophical bias toward free enterprise, government nonintervention, appreciation of the economic and social realities which were so eloquently expressed by the previous panel, and certainly recognition of our international responsibilities.

Briefly, our primary recommendation is that the U.S. Government immediately and permanently cease any and all entrepreneurial participation or public subsidy in the business of the commercial harvest.

With respect to the Fur Seal Convention, NACOA believes, recognizing that there are significant problems to be addressed, that it is in the best interest of the United States to continue with the Convention. We believe that understanding the causes of the population decline, which Mr. Hoffman has pointed out we do not know, can best be pursued through cooperative international research, and to the extent that the risk of pelagic sealing exists, Mr. Chairman, the Convention also provides protection against its resumption.

We formulated our recommendations in eight separate recommendations, five for immediate action and three for deferred action. Before summarizing them, and as a guide to you or anybody else who reads this report, I think it is well to stress that these recommendations are a closely correlated, highly interdependent series of actions. Selected acceptance or rejection of any of these recommendations will distort the underlying intent of our approval concerning the protocol.

May I on our first recommendation say that that is one to extract the Government from the business. We obviously do not believe it is the proper role of the U.S. Government to appropriate funds or property to produce pelts or aphrodesiac products or byproducts from the carcasses.

I would like to point out three things that have appeared in the testimony before you that I think need to go into the record, Mr. Chairman. No 1, several people have repeatedly mentioned that up until recently the seal harvest has been successful for the U.S. Government. That is not true.

In the last 10 years, approximately $60 million has been spent by the U.S. taxpayer to maintain the Pribilof entity, and the returns to the United States from pelt sales taken as a total do not approximate the cost of 1 year of that support.

Second, I think that the testimony that has been given that there are no funds in the 1984 harvest is exceptionally misleading. In fact, as an inducement, 15,400 of the pelts representing a quarter of a million dollars which are Government property are being given to the contractor as an added inducement to perform the harvest.

Now, you do not need me to point out that this is a rotating back door financial situation which can go on indefinitely, and NACOA is adamantly opposed to it. Regardless, however, of whether the Government profits or not, or anybody else profits or not, we believe that the Government or the taxpayer of the United States has no business in the commercial seal harvest in cash or kind.

I see the red light. Would you like me to continue?

Senator MURKOWSKI. Yes; please proceed.

Mr. BLACK. With respect to ratifying the protocol, I think a great deal has already been said in support of it, but I would like to point out just one thing, that if the protocol is not ratified, 80 Pribilovian Aleuts will be subject to change during their transition to a diverse economy without any specific alternative employment on the islands.

The risk of pelagic sealing would again arise, although we believe that the risk is exceptionally marginal due to current economic conditions for one thing, and the migration patterns and relevant U.S. laws. And on this point, Mr. Chairman, I would like to correct an impression which apparently has not surfaced in these meetings.

Of critical importance on whether or not pelagic sealing begins again is recognition that there are two distinct, separate herds. There is no way that the United States or the Canadians are going to go over and chase Japanese seals in the migration between the Japanese mainland and the U.S.S.R. rookeries. That is a separate, completely separate situation.

And incidentally, it is an ironic discovery produced by the convention itself, which was established for common management that research showed that common management was impossible.

Second, Mr. Chairman, the Pelly amendment has come up, and I need not point out to you that the Pelly amendment in order to exert leverage on the Japanese or anybody else is a very simple thing to put in effect without the existence of the current treaty. It simply requires doing what we did already, in a provisional sense with Canada between 1941 and 1957——

Senator **Murkowski**. I wonder if I could ask you to summarize your remaining remarks, Mr. Black.

Mr. **Black**. Excuse me?

Senator **Murkowski**. I wonder if I could ask you to summarize your remaining remarks.

Mr. **Black**. Yes; certainly. I would like to speak to the seal harvest. NACOA does recommend continuation of the treaty, but I think, Mr. Chairman, it should be clearly understood that this is a one-handed applause.

Senator **Murkowski**. Well, it is either supporting the treaty or not.

Mr. **Black**. Correct, but I think it is very important for you, sir, to understand that selective acceptance of our recommendation on the treaty will be a distortion unless you accept also recommendations otherwise, for example, consideration of the desirability of suspending the commercial fur harvest.

Senator **Murkowski**. I assure you, sir, that your entire statement is in the record, and I have personally read your recommendation No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6, and it will be noted by my colleagues, and I want to thank you for your testimony.

We have a vote on. Probably the last vote of the day. It will be the Clean Water Act. Have you completed your testimony, Mr. Black?

Mr. **Black**. No, sir.

Senator **Murkowski**. Well, would you summarize it, please?

Mr. **Black**. I will be happy. Will you give me a minute?

Senator **Murkowski**. Well, you are not going to have very many, because I want to give Dr. Springer the courtesy of making a statement, and I am going to have to go and vote in a few minutes, and when that happens, this hearing will be adjourned.

Mr. **Black**. All right. Let me say that NACOA believes that we should seriously consider suspending the harvest for these three reasons. First, the obvious one about the herd's decline.

Second, that article 5-2-D of the convention establishes a clear scientific criteria which requires that when the fur seal population falls below a certain level, certainly that should be considered, and it apparently has been considered, and we find it an anomaly that the Commission has not acted.

And third is, the population of Pribilof seals fell by 43,000 between 1983 and 1984. And the 1984 harvest was 22,000, and NACOA rejects the notion that when a population falls by 43,000, including 22,000 harvested, that the harvest is unrelated to the decline.

I would also like to note a dissent, Mr. Chairman, in the report by at least two of our members, that we should recommend an immediate suspension of the 1985 harvest, not only as we have by majority vote recommended that the desirability of suspending harvest be urgently considered.

I have six other recommendations which will be in my testimony.

Senator MURKOWSKI. Are those recommendations covered under your recommendations in this book?

Mr. BLACK. Yes, sir.

Senator MURKOWSKI. Which one is the one to cease the harvest?

Mr. BLACK. Recommendation No. 3. It is also in the testimony which I will put into the record which I am giving now, and that I ask be included in the record.

[Mr. Black's and Mr. Flipse's joint prepared statement and summary referred to follows:]

STATEMENT
by
John E. Flipse, Chairman
National Advisory Committee on Oceans and Atmosphere (NACOA)
and
Charles A. Black
Chairman of the North Pacific Fur Seal Panel

before

Committee on Foreign Relations
United States Senate
June 13, 1985

Mr. Chairman and Members of the Committee,

I am pleased to be here today on behalf of the National Advisory Committee on Oceans and Atmosphere (NACOA) to present NACOA's views on the ratification of the 1984 Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals, and other pertinent matters.

NACOA formed a panel on June 26, 1984, to consider the Fur Seal Convention, the 1984 Protocol to the Convention, and the accompanying Statement. The resulting report, "North Pacific Fur Seals: Current Problems and Opportunities Concerning Conservation and Management" contains NACOA's findings and recommendations. We base our conclusions and recommendations to the highest degree possible on documented scientific and technical fact, philosophical bias toward free enterprise, government non-intervention, appreciation of the social and economic realities facing the Pribilof Aleuts, and recognition of of our international responsibilities and opportunities under the Convention.

NACOA's primary recommendation is that the U.S. Government immediately and permanently cease any and all entrepreneural participation and/or public subsidy in the business of the commercial fur seal harvest, and that the President defer from expenditure the fiscal year 1985 funds that have been appropriated to subsidize such participation.

With respect to the Fur Seal Convention and the 1984 Protocol, NACOA believes that, in balance, although there are significant problems to be addressed, at present it is in the best interest of the United States to continue with the Convention, and specifically, to ratify the 1984 Protocol. Understanding the causes of the population decline can best be pursued through cooperative international research; the Convention provides the mechanism for this. To the extent that the risk of pelagic sealing exists, the Convention also provides protection against its resumption. In short, although there currently are serious problems with the Convention and its implementation, corrective measures are called for, not abandonment of the Convention.

NACOA has formulated eight recommendations. Before summarizing them, I would like to stress that NACOA has formulated these recommendations as a closely correlated, highly interdependent series of actions matching the highly interdependent series of problems. Selective acceptance or rejection of these eight recommendations would distort the underlying intent reflected in NACOA's recommendation concerning the 1984 Protocol.

RECOMMENDATION 1

NACOA RECOMMENDS THAT THE U.S. GOVERNMENT IMMEDIATELY AND PERMANENTLY CEASE ANY AND ALL ENTREPRENEURIAL PARTICIPATION IN THE BUSINESS OF THE COMMERCIAL FUR SEAL HARVEST, AND THAT THE PRESIDENT DEFER FROM EXPENDITURE THE FISCAL YEAR 1985 FUNDS THAT HAVE BEEN APPROPRIATED TO SUBSIDIZE SUCH PARTICIPATION.

It is not the proper role of the U.S. Government to appropriate funds or property to produce seal pelts, aphrodisiac products, or seal carcass byproducts. If any commercial harvest is authorized and undertaken, the Pribilovians should bear all entrepreneurial responsibility subject only to requisite and appropriate environmental, public safety, and regulatory provisions.

Until recently the commercial harvest has been profitable for the United States. In 1984, however, the required public subsidy was an estimated $1.1 million. But, regardless of whether the government profits or not, we believe the Government has no business in a commercial fur seal harvest.

The most direct remedial course of action is for the Congress to amend the Fur Seal Act to bar the use of public funds for the commercial fur seal harvest, other than for requisite regulatory oversight. Given the realities of the Congressional process, however, the Senate may recommend ratification of the Protocol before the whole Congress can act on amending the Fur Seal Act as described. For this reason we also recommend that the President defer use of any and all appropriated funds earmarked for the commercial harvest.

RECOMMENDATION 2

2. NACOA RECOMMENDS THAT THE SENATE GIVE ITS ADVICE AND CONSENT TO THE PRESIDENT TO RATIFY THE 1984 PROTOCOL TO THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS.

This in our national self interest whether viewed from the perspective of the residents of the Pribilofs, the U.S. taxpayer at large, or the fur seal herd.

The Convention has been useful in continuing a traditional ban on pelagic sealing, providing scientific discoveries for better understanding the ecology of the fur seals, and in providing an accepted scientific forum for discussing matters of interests among the four Party nations. Even though answers to critically important scientific enigmas are not yet forthcoming, we believe the Convention provides the best vehicle for further cooperative research which will lead to answers for the wise management of our large national fur seal resource.

If the Protocol is not ratified and the Convention lapses, some Pribilovian Aleuts would be subject to an abrupt change during their sensitive transition to a diverse economy, without any specific alternative employment. Some risk of pelagic sealing would again arise, although this risk is marginal due to current economic conditions, fur seal migration patterns and relevant U.S. law that would come into effect. Also, some impairment to routine scientific interchange would ensue.

However, without the Convention, the United States would regain sovereignty over the Pribilof fur seal resource, the U.S. Government would not be involved in the business of a commercial harvest, and the Marine Mammal Protection Act would apply to the fur seal resource. But, the pribilovians would no longer have a right to a commercial harvest even if scientific and economic conditions so warranted. Further, without the Convention, the United States would lose its leverage to unilaterally discourage pelagic sealing, since the Pelly Amendment to the Fisherman's Protective Act would not apply.

On balance, we believe the Senate should give its advice and consent to the President to ratify the 1984 Protocol, in order to maintain the pelagic ban, Pribilovian entrepreneurial rights, and existing scientific exchange.

RECOMMENDATION 3

NACOA RECOMMENDS THAT THE SECRETARIES OF COMMERCE AND STATE INSTRUCT THE U.S. COMMISSIONER TO THE NORTH PACIFIC FUR SEAL COMMISSION TO URGENTLY CONSIDER THE DESIRABILITY OF SUSPENDING THE COMMERCIAL FUR SEAL HARVEST IN LIGHT OF THE BEST SCIENTIFIC INFORMATION AVAILABLE.

Some feel there is a lack of evidence showing that the commercial harvest contributes to the decline, and therefore the harvest is justified. It is also true that there is an equal lack of evidence that the harvest does not contribute to the decline. The safest statement is that we do not know what effect the harvest has on the population decline - favorable or not.

Scientific inadequacy should not paralyze critical management decisions. There are several compelling facts concerning the population dynamics of the fur seals which we do know.

- The U.S. herds are continuing to decline at a 4 to 8 percent annual rate.

- Article V(2)(d) of the Convention establishes clear scientific criteria concerning suspension or reduction of a commercial harvest when the seal population falls below the level of maximum sustainable productivity. Senior U.S. scientists agree that not only is the Pribilof seal population at or below 50 percent of its carrying capacity, the harvestable portion of the population is 40 percent, or more, below the level of maximum sustainable productivity.

- The population of Pribilof seals fell by approximately 43,000 seals between 1983 and 1984. The 1984 harvest amounted to 22,066 seals. NACOA rejects the notion that when a population falls by 43,000, including the 22,066 harvested, the harvest is unrelated to the decline.

I would like to note a dissent by at least two of our members, noted in our report, that we should recommend a suspension of the 1985 harvest, not only an urgent consideration of a harvest suspension.

RECOMMENDATION 4

NACOA RECOMMENDS THAT THE SECRETARY OF COMMERCE AUGMENT FUR SEAL RESEARCH BY REAPPLYING A PORTION OF THE FUNDS MADE AVAILABLE BY TERMINATION OF THE U.S. GOVERNMENT INVOLVEMENT IN THE BUSINESS OF THE COMMERCIAL FUR SEAL HARVEST.

We suggest emphasis in the following order of priority:

1. Fishery-fur seal interaction;
2. Establishment of the present carrying capacity of the Eastern Bering Sea,
3. Establishment of a research program on St. Paul to serve as a "control", or comparative model for the existing St. George research program;
4. The effects of entanglement;
5. Research on pelagic sealing;
6. Increased data and scientist interchange between the United States and the Soviet Union.

RECOMMENDATION 5

NACOA RECOMMENDS THAT THE SECRETARY OF COMMERCE CONSIDER REAPPLYING A PORTION OF THE FUNDS SAVED BY TERMINATION OF THE U.S. GOVERNMENT INVOLVEMENT IN THE BUSINESS OF THE COMMERCIAL FUR SEAL HARVEST TO BENEFIT THE PRIBILOF ALEUTS, AND INITIATE APPROPRIATE LEGISLATIVE ACTION IF NECESSARY.

To mitigate any negative financial implications of any harvest suspension, we recommend that a portion of the funds saved by terminating the public subsidy should be reapplied in two ways: one, directly to the 80 Pribilovians directly and unfavorably impacted by any suspension; and two, to support developmental projects on the Pribilof Islands.

Among such potential projects are:

- fishery and harbor development
- Extending and upgrading the bunker fuel tank farm;
- Upgrading existing airstrips to all-weather capability
- Increasing the public water supply.
- Constructing radio facilities as a safety and communication link with [redacted] fishing fleets.

Such funds shouls not be co-mingled with the existing 10-year St. Paul or St. George Trusts established under the 1983 amendments to the Fur Seal Act, which have different term and operating criteria.

Using new funds to create a form of non-productive welfare while espousing elimination of another public subsidy is far from NACOA's intent. Such incremental funds should resolve specific current problems, not finance their extension.

RECOMMENDATION 6

NACOA RECOMMENDS THAT CONGRESS AMEND THE FUR SEAL ACT TO:

1. EXTRACT THE U.S. GOVERNMENT FROM ANY OBLIGATION TO EXPEND PUBLIC FUNDS FOR A COMMERCIAL SEAL HARVEST AND FROM ANY ENTREPRENEURIAL ROLE IN FACILITATING, FINANCING, OR CONDUCTING ANY ASPECT OF HARVESTING, PROCESSING OR MARKETING OF FUR SEAL PELTS OR BYPRODUCTS;
2. PROVIDE THE PRIBILOF ALEUTS WITH THE EXCLUSIVE RIGHT TO COMMERCIALLY HARVEST THE PRIBILOF FUR SEAL RESOURCE;
3. PROVIDE THE SECRETARY OF STATE WITH THE AUTHORITY TO MODIFY THE HARVEST RECOMMENDATIONS OF THE COMMISSION DUE TO UNFORESEEN CIRCUM-

STANCES, AND TO MODIFY THE U.S. PORTION OF SUCH RECOMMENDED HARVEST LEVEL FOR ECONOMIC CONSIDERATIONS, AS ADDITIONS TO THE SECRETARY'S CURRENT AUTHORITY TO SO ACCEPT OR REJECT.

First, the Fur Seal Act should be amended to delete all language requiring the payment of public funds, cash or kind, to subsidize the commercial harvest.

Second, the Pribilof Aleuts should have the sole and exclusive right to commercially harvest the Pribilof fur seal resource. Currently they have certain "preferential" rights under the Fur Seal Act to conduct the harvest. NACOA believes that any contract with non-Pribilovians would not only deny the Pribilovians of certain rights to conduct the harvest, but would also greatly exacerbate any existing social problems on the islands.

Third, the Secretary of State should have the authority to modify the Fur Seal Commission's recommended harvest level. The need for such flexibility is essential in cases, for example, when the number of harvestable males actually returning is seen to be much less than forecast when the harvest levels were made, or when an environmental catastrophe occurs. Under the Fur Seal Act, the Secretary of State's authority is currently constrained only to "accept or reject" the Commission's harvest level recommendation.

The Secretary of State should also be able to modify the Commission's recommended harvest level for "economic considerations", but only to the extent of modifying the U.S. portion of the recommended harvest level; that is, the 70 percent U.S. share. The other parties who are due a share, Japan and Canada, should be free to analyze the market conditions from their own perspectives, and decide whether to conduct a harvest based on their own economic judgment. The Pribilovians should be free to contract with the Japanese or Canadians for their portions of a Commission-recommended harvest if the United States elects not to take all or any of its share based on U.S. economic factors.

RECOMMENDATION 7

> NACOA RECOMMENDS THAT IN THE EVENT OF A SUSPENSION OF ANY COMMERCIAL HARVEST, THE SECRETARIES OF STATE AND COMMERCE DIRECT THE U.S. COMMISSIONER TO ADVISE THE NORTH PACIFIC FUR SEAL COMMISSION THAT THE SUBSISTENCE TAKE LEVELS BE BASED SOLELY ON SUBSISTENCE NEEDS AND NOT ON ANY COMMERCIAL INTERESTS; AND THAT THE SECRETARY OF STATE REJECT ANY SUBSISTENCE TAKE RECOMMENDATION OF THE COMMISSION UNLESS THAT RECOMMENDATION IS BASED SOLELY ON SUBSISTENCE NEEDS.

NACOA fully supports the Aleuts' express right to hunt fur seals in traditional ways, as provided for in both the Convention and the Fur Seal Act. But, because parts of the seal other than the pelt nominally taken for subsistence can readily be marketed, pressure may arise for a subsistence hunt larger than needed for subsistence purposes. We firmly believe that the level of subsistence take must be determined solely on the basis of subsistence need, uninfluenced by commercial opportun-ity.

AND FINALLY,

RECOMMENDATION 8

> BASED ON NEGOTIATIONS CALLED FOR IN THE 1984 PROTOCOL, NACOA RECOMMENDS THAT THE SENATE DIRECT THE SECRETARY OF STATE TO STRIVE

TO AMEND THE CONVENTION TO PROVIDE THAT THE FUR SEAL POPULATION BE MAINTAINED AT LEVELS OF MAXIMUM SUSTAINABLE PRODUCTIVITY OF THE HARVESTABLE PORTION AS QUALIFIED BY ECONOMIC AND SOCIAL FACTORS.

Although for 12 years the United States has not been successful in achieving its objective, we endorse the Congressional goal of reconciling the Convention's "maximum sustainable productivity" management regime with the MMPA's "optimum sustainable population" .

NACOA believes, however, that the United States will be more successful if, rather than attempting to reconcile the Convention with a U.S. law, we attempt to reconcile it with generally recognized international principles of living resource management, which call for managing a population or stock at maximum sustainable productivity, as modified by economic and social considerations.

Further, NACOA emphasizes that the Pribilof fur seal herd is not only below levels of maximum sustainable productivity of the population as a whole, but drastically below maximum sustainable productivity of harvestable males. The appropriate management regime for the North Pacific fur seals is the maximum sustainable productivity of the sub-adult male fur seals.

Putting these two thoughts together, NACOA believes that the management regime in the Fur Seal Convention should be one based on the maximum sustainable productivity of the harvestable portion, as qualified by economic and social factors.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions the Committee may have. Thank You.

NORTH PACIFIC FUR SEALS: CURRENT PROBLEMS AND OPPORTUNITIES CONCERNING CONSERVATION AND MANAGEMENT--A SPECIAL REPORT TO THE PRESIDENT AND THE CONGRESS, FROM THE NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE--MARCH 1985

SUMMARY

The Problem

The Interim Convention on Conservation of North Pacific Fur Seals was signed in 1957 by Canada, Japan, the Soviet Union, and the United States and has since been amended (Appendix A). The Convention provides, in part, for the manner by which North Pacific fur seals will be commercially harvested and for the international scientific research responsibilities of the Party nations. The North Pacific fur seal rookeries of principal interest to the United States are those on the Alaskan Pribilof Islands in the Bering Sea.

A propcsed 1984 Protocol to the Convention signed by the Party nations is intended to extend the Convention for four years beyond its October 1984 expiration date (Appendix B). In addition to the Protocol, the Parties have agreed to an accompanying Statement clarifying the intent of the Parties (Appendix C). The Protocol and Statement will be submitted by the President to the U.S. Senate for its advice and consent for ratification of the Protocol.

The topical issue before the United States is the rejection or acceptance of the 1984 Protocol, and thereby, the lapse or extension of the Convention.

Consideration of the Protocol is complicated by a virtual collapse of the world market for seal pelts; critically important scientific enigmas; vocal and contradictory public opinion; relevant social and economic needs of Pribilovians; legal challenges related to the killing of fur seals; a decade-long steady deterioration of the Pribilof seal herds; and U.S. Government participation in financing and facilitating the production and processing of pelts, a profit-making venture in the past but a significant U.S. public subsidy at present.

Discussion

During its 28-year history, the Convention has produced both success and failure. Its major achievements include: moving indiscriminate killing of seals at sea to controlled harvest on land, critically important to restoration of both Asiatic and U.S. herds from dangerously lower population levels; continuation of a ban on pelagic sealing in effect for most of the preceding 46 years; and scientific proof derived from extensive tagging programs that the Asiatic and U.S. herds are essentially separate populations. This latter discovery altered the single-herd management concept that was prevalent when the Convention was first signed in 1957 and inherent in the Convention's objective of joint management of "the fur seal resources." The Convention has been overtaken in some respects by recently enacted U.S. laws, and in its operation has failed to stimulate answers to such key questions as why the U.S. herds are declining at a steady 4 to 8 percent per year, while the U.S.S.R. herds are relatively stable. Despite conscientious scientific effort, little conclusive knowledge is available on relevant effects on the observed decline from entanglement in debris, the annual commercial Pribilof harvest, disease, predation, incidental catch, natural population fluctuations, and illegal killing. It appears clear that the population stability of the U.S. herds, a national natural resource, is in jeopardy.

The Protocol also has direct relevance to social and economic factors affecting U.S. citizens of the Pribilofs. For almost a century, the Pribilovian Aleuts have existed as involuntary servants of the U.S. Government, whose principal productive activity was the annual 6-week seal harvest that employed approximately 80 individuals. In late 1983, the United States commenced transfer of its prior responsibilities to island self-government, and endowed $20 million in trusts to accelerate the Pribilovian economy away from dependence on sealing.

A major area of NACOA concern relates to U.S. Government participation in the business of the commercial harvest and related activities. The fact that today this requires approximately $1 million of U.S. public cost only exacerbates the situation. Whether for profit, or to subsidize a loss, the U.S. Government should not be involved in the business of the commercial harvest.

From a structural and operational standpoint, the Convention appears in need of review and renegotiation. Ratification of the Protocol and the accompanying Statement of understanding would appear to provide the United States with new and important flexibility to manage its herds in accord with its own social and economic interests. It would also focus on unanswered questions concerning pelagic sealing and make possible reconsideration of the vital technical criteria of carrying capacity of the ecosystem and a revised definition of "maximum sustainable productivity."

For purposes of this report, the economics of the fur seal harvest are quantified principally to define the extent of Pribilovian dependence on the production of pelts, valued at approximately $15 apiece, and penis bones as byproducts, valued at approximately $20 apiece in the Far East aphrodisiac market.

Although the worldwide market for seal pelts of all description is characterized by collapsing production, disappearing demand, falling prices, and the surge of moral and institutional inhibitions in trade or use of seal pelts, NACOA regards economic decisions to risk capital in such endeavors as properly reserved to the private entrepreneurial sector.

With regard to questions of the morality of killing marine mammals such as the North Pacific fur seal, or in the traffic or use of pelts, NACOA declines to comment. These positions are being properly pressed and debated in other forums. NACOA's conclusions and recommendations are based to the highest degree possible on documented scientific and technical fact, a philosophical bias towards free enterprise and government non-intervention, appreciation of the social and economic realities facing the Pribilovians, and recognition of our international responsibilities and opportunities under the Convention.

Conclusions

1. The U.S. Government should extract itself from the business of producing seal pelts, aphrodisiac products, and seal carcass byproducts.

2. On balance, the National Advisory Committee on Oceans and Atmosphere (NACOA) believes that it is in the national interest to ratify the 1984 Protocol. Although NACOA recognizes that there are problems with the Convention and its implementation by the United States, corrective measures available under the Protocol are called for, not abandonment of the Convention.

3. In the interest of stock rebuilding, consideration should be given to suspension of the 1985 commercial fur seal harvest in the Pribilofs. Widely agreed data indicate the resource is at 50 percent, or less, of carrying capacity; and the harvestable portion of the resource is about 40 percent below the level of maximum sustainable productivity, as defined in the Convention. NACOA questions the notion, often advanced to justify a subsequent harvest, that the lack of scientific proof that the harvest affects the decline is justification to proceed. A 22,066 seal harvest in 1984 would seem related to a 43,000 seal population decline in the same period. NACOA believes it is common sense conservative science to pause and take stock of the problem.

4. Scientific research on seal-related problems must be intensified. Determination of the cause(s) of the current population decline must be conclusively presented. The degree, if any, to which seals realistically intrude on the important and productive commercial fishery of the Eastern Bering Sea is unclear. The present carrying capacity of the region as a guide to maximum sustainable productivity remains unclear.

5. The Pribilovians should not be subjected to an abrupt cut-off of financial and support services. Consideration should be given to economic hardship that might be caused by a discontinuation of the subsidy. Supplementary funds targeted to specific reparation and developmental objectives may be required. No commingling with existing trusts should occur, as the term, objectives, and discretionary annual replenishment recommended make the new funds incompatible with the existing trust indenture.

6. The Congress should review and amend the Fur Seal Act to extract the U.S. Government from mandatory participation in any commercial fur seal harvest recommended by the Commission; to ensure that Pribilovians not only have preference in any seal harvest, but have exclusive, protected rights; and to permit the United States to modify its portion of any commercial harvest recommended by the Commission on economic grounds, not solely to accept or reject. In addition, the United States must be permitted to modify the entire harvest level in the event that unforeseen circumstances so require.

7. The Pribilovians should be assured the right to a subsistence hunt in the event the commercial harvest is suspended or inadequate to meet subsistence needs; and also to assure that no commercial harvest is conducted under the mistaken category of a subsistence hunt.

8. The Convention text should be amended during the renegotiations called for in the Protocol to provide that the fur seal population be maintained at levels of maximum sustainable productivity, as qualified by economic and social factors. This would accomplish a long-standing mandate of Congress, that Convention population criteria be reconciled with relevant principles of the Marine Mammal Protection Act of 1972 through proposing the adoption of generally accepted international management principles. Further, the Convention text should be amended to provide that the fur seal population be maintained at this qualified level for the harvested portion of the herd, currently the sub-adult males.

Recommendations

NACOA recommendations are grounded in the important and relevant issues concerning the participation by the U.S. Government in a private commercial venture, social and cultural equilibrium of the Aleut inhabitants of the Pribilof Islands, the interests of the U.S. taxpayer, the direction of scientific research on seal-related questions, and the long-term economic prospects for the native islanders. NACOA finds these issues inseparable from the issue of extending the Convention by adopting the Protocol. For these reasons, our recommendations are presented as a closely related, interdependent series of actions matching the interdependent issues involved. Selective acceptance or rejection of these recommendations would distort the underlying intent reflected in NACOA's support for ratifying the 1984 Protocol and extending the Convention.

I. NACOA RECOMMENDS THAT THE U.S. GOVERNMENT IMMEDIATELY AND PERMANENTLY CEASE ANY AND ALL ENTREPRENEURIAL PARTICIPATION IN THE BUSINESS OF THE COMMERCIAL FUR SEAL HARVEST, AND THAT THE PRESIDENT DEFER FROM EXPENDITURE THE FISCAL YEAR 1985 FUNDS THAT HAVE BEEN APPROPRIATED TO SUBSIDIZE SUCH PARTICIPATION.

II. NACOA RECOMMENDS THAT THE SENATE GIVE ITS ADVICE AND CONSENT TO THE PRESIDENT TO RATIFY THE 1984 PROTOCOL TO THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS.

III.* NACOA RECOMMENDS THAT THE SECRETARIES OF COMMERCE AND STATE INSTRUCT THE U.S. COMMISSIONER TO THE NORTH PACIFIC FUR SEAL COMMISSION TO URGENTLY CONSIDER THE DESIRABILITY OF SUSPENDING THE COMMERCIAL FUR SEAL HARVEST IN LIGHT OF THE BEST SCIENTIFIC INFORMATION AVAILABLE.

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* See Appendix F.

IV. NACOA RECOMMENDS THAT THE SECRETARY OF COMMERCE AUGMENT FUR SEAL RESEARCH BY REAPPLYING A PORTION OF THE FUNDS MADE AVAILABLE BY TERMINATION OF THE U.S. GOVERNMENT INVOLVEMENT IN THE BUSINESS OF THE COMMERCIAL FUR SEAL HARVEST.

V. NACOA RECOMMENDS THAT THE SECRETARY OF COMMERCE CONSIDER REAPPLYING A PORTION OF THE FUNDS SAVED BY TERMINATION OF THE U.S. GOVERNMENT INVOLVEMENT IN THE BUSINESS OF THE COMMERCIAL FUR SEAL HARVEST TO BENEFIT THE PRIBILOF ALEUTS, AND INITIATE APPROPRIATE LEGISLATIVE ACTION IF NECESSARY.

VI. NACOA RECOMMENDS THAT CONGRESS AMEND THE FUR SEAL ACT TO:

1. EXTRACT THE U.S. GOVERNMENT FROM ANY OBLIGATION TO EXPEND PUBLIC FUNDS FOR A COMMERCIAL SEAL HARVEST FROM ANY ENTREPRENEURIAL ROLE IN FACILITATING, FINANCING, OR CONDUCTING ANY ASPECT OF HARVESTING, PROCESSING, OR MARKETING OF FUR SEAL PELTS OR BYPRODUCTS;
2. PROVIDE THE PRIBILOF ALEUTS WITH THE EXCLUSIVE RIGHT TO COMMERCIALLY HARVEST THE PRIBILOF FUR SEAL RESOURCE;
3. PROVIDE THE SECRETARY OF STATE WITH THE AUTHORITY TO MODIFY THE HARVEST RECOMMENDATIONS OF THE COMMISSION DUE TO UNFORESEEN CIRCUMSTANCES, AND TO MODIFY THE U.S. PORTION OF SUCH RECOMMENDED HARVEST LEVEL FOR ECONOMIC CONSIDERATIONS, AS ADDITIONS TO THE SECRETARY'S CURRENT AUTHORITY TO SO ACCEPT OR REJECT.

VII. NACOA RECOMMENDS THAT IN THE EVENT OF A SUSPENSION OF ANY COMMERCIAL HARVEST, THE SECRETARIES OF STATE AND COMMERCE DIRECT THE U.S. COMMISSIONER TO ADVISE THE NORTH PACIFIC FUR SEAL COMMISSION THAT THE SUBSISTENCE TAKE LEVELS BE BASED SOLELY ON SUBSISTENCE NEEDS AND NOT ON ANY COMMERCIAL INTERESTS; AND THAT THE SECRETARY OF STATE REJECT ANY SUBSISTENCE TAKE RECOMMENDATION OF THE COMMISSION UNLESS THAT RECOMMENDATION IS BASED SOLELY ON SUBSISTENCE NEEDS.

VIII. BASED ON NEGOTIATIONS CALLED FOR IN THE 1984 PROTOCOL, NACOA RECOMMENDS THAT THE SENATE DIRECT THE SECRETARY OF STATE TO STRIVE TO AMEND THE CONVENTION TO PROVIDE THAT THE FUR SEAL POPULATION BE MAINTAINED AT LEVELS OF MAXIMUM SUSTAINABLE PRODUCTIVITY OF THE HARVESTABLE PORTION AS QUALIFIED BY ECONOMIC AND SOCIAL FACTORS.

Senator MURKOWSKI. It is to urgently consider the desirability? Is that correct?

Mr. BLACK. That is correct.

Senator MURKOWSKI. Thank you.

Dr. Springer, please proceed.

STATEMENT OF ALAN SPRINGER, BIOLOGICAL OCEANOGRAPHER, UNIVERSITY OF ALASKA INSTITUTE OF MARINE STUDIES

Mr. SPRINGER. I am Alan Springer, a biological oceanographer at the University of Alaska Institute of Marine Science. While these hearings are intended to address fur seals, I wish to briefly summarize the findings of studies of sea bird populations in the Bering Sea. The recent history of sea birds adds an additional perspective and another dimension to our understanding of ecosystems in the Bering Sea.

The eastern Bering Sea supports on the order of 30 to 50 million sea birds of 14 species during all or part of the year. In the summer breeding season, the off-shore islands, the Pribilof Islands, St. Matthew Island, and Hall Island provide nesting areas for about 4 million birds making the islands among the largest breeding sites in the world.

Sea bird species can be classified as primarily fish eating and primarily plankton eating, although most of the fish-eating species also feed on some Plankton. However, fish biomass is necessary for successful breeding by the fish-eating species, while invertebrate biomass probably is not.

Among the fish-eating species, two closely related small gulls, the black-legged kittiwake and the red-legged kittiwake appear to be particularly sensitive to changes in the availability of prey biomass. In the past 4 years, 1981 through 1984, the kittiwakes have had very poor reproductive success, producing few, if any, young to the age of independence.

While eggs have been generally laid, although in small numbers, chicks have usually died within a few days of hatching, apparently from starvation. Breeding failures of kittiwakes in single years are common elsewhere in Alaska and apparently result from the occasional disruption of prey populations by natural environmental variability.

Prolonged failures such as those of kittiwakes in the southeastern Bering Sea or of any sea bird species anywhere are causes for concern for the prey populations that normally sustain the birds. In addition to the breeding failures of kittiwakes, there is evidence that the population numbers of kittiwakes and of two other taxa of fish-eating bird, the murres and the cormorants, have declined on the Pribilof Islands since the midseventies.

The majority of the fish biomass supporting the sea bird populations breeding on the offshore islands of the southeastern Bering Sea comes from the Alaska pollock. The recruitment of juvenile pollock, the age class taken by sea birds, has been very low in recent years according to surveys conducted by the National Marine Fisheries Service. The low abundance of pollock probably has been the cause of the breeding failures and possibly the population declines. Pollock is also an important food of fur seals and sea lions, and it presently supports the largest single species commercial fishery in the North Pacific Ocean.

Reasons for the decline in the pollock abundance are not easily determined. The natural biology of pollock populations is complex, and like that of many fishes, is probably influenced markedly by natural environmental variation.

The past decade has seen a large shift in the prevailing environmental conditions in the Bering Sea from unusually cold during the mid-1970's to generally warm during the past 5 to 6 years. Such a change might have been detrimental in some way to pollock, although it is generally believed that warm years are favorable to fishes compared to cold years.

Another possible explanation is that the combined harvest of pollock by the commercial fishery, marine mammals and birds, perhaps alone or in combination with environmental change, has led to the decline in the pollock stocks. Until a satisfactory explanation for the downward trends in pollock and marine bird and mammal populations is found, the recent suggestion that the commercial harvest of pollock could be doubled from about 1 million tons to 2 million tons seems premature.

The point I wish to make is that there have been in recent years parallel change in populations of several marine animals that are all members of the same community. That several downward trends in these relationships exist has only been recognized recently.

Previous studies of the Bering Sea ecosystem have been both descriptive studies of particular aspects as well as integrated programs designed to elucidate ecosystem processes. This essential body of data now is in hand from which a much improved perspective of the Bering Sea ecosystem has emerged.

It is now possible to ask questions in a scientific manner about other areas of interest. To this end, Dr. Mathiesen, dean of the School of Fisheries and Sciences at the University of Alaska at Juneau, working in collaboration with Mr. Merculief of St. Paul, has offered to support a conference on these problems in the Bering Sea. Mr. Merculief mentioned this earlier in his testimony.

I might quote from Dr. Mathisen's letter briefly, and I would ask that the complete text be entered into the record.

Senator MURKOWSKI. It will be entered into the record as if read.

[The letter referred to follows:]

SCHOOL OF FISHERIES AND SCIENCE,
UNIVERSITY OF ALASKA,
Juneau, May 6, 1985.

LARRY MERCULIEFF,
President. Tanadgusix̂ Corp.,
St. Paul Island, AK

DEAR LARRY: I have read the literature sent me by Tony Smith, and let me make the following comments in reply to our discussion May 1:

(1) The most important problem is an independent evaluation of the cohort analysis. I have contacted Dr. Ian Fletcher, who is the best person that I can think of for the task. He used to be professor at the School of Fisheries, University of Washington, teaching population dynamics. Currently, he is operating as an independent consultant.

(2) The larger issue of what is going on in the Bering Sea ecosystem is worthy of a workshop; I say, deliberately, a workshop where selected scientists and those con-

cerned meet to solve problems. I discussed the matter with the Vice Chancellor for Academic Affairs, Dr. Beeton, and she is in full agreement that the University of Alaska-Juneau should sponsor such a workshop. The time frame should probably be January or February 1986.

If you want to pursue this matter further, let me know, and we can draft a program.

(3) The third issue deals with the future of the Fur Seal Commission. I am not exactly sure what steps should be taken. However, there can be no doubt that an international monitoring system must be maintained. This applies to all marine resources, regardless of whether they are exploited or not.

As you probably know, there will be a Pacific Rim Conference in Anchorage 10-12 September this year. Hopefully, there will be representatives from the U.S.S.R., Japan, Korea, the U.S.A., and Canada. This perhaps would be a suitable forum for discussion of this special problem. Let me know your wishes in this matter soon.

I will be in Washington, D.C., May 7-8, and I may inquire of the staff of Senator Stevens what the current thinking is of the Alaska Congressional delegation.

This letter may not be an adequate answer to your inquiry, but I will be very happy to give the Tanadgusix Corporation assistance in any way that I and the School of Fisheries and Science can.

Sincerely,

OLE A. MATHISEN, *Dean.*

Mr. SPRINGER. I would like to make these excerpts.

Senator MURKOWSKI. You have about 30 seconds.

Mr. SPRINGER. All right. I will be really quick. This is from Dr. Mathiesen.

> The larger issue of what is going on in the Bering Sea ecosystem is worthy of a workshop. I say deliberately a workshop where selected scientists and those concerned meet to solve problems. I discussed the matter with the vice chancellor for economic affairs, and she is in full agreement that the University of Alaska should sponsor such a workshop. The time frame should probably be January or February, 1986.

Thank you, Mr. Chairman.

Senator MURKOWSKI. Thank you very much.

Gentlemen, I have appreciated your testimony and that of you, Ms. Sloan, as well. I am sorry I am unable to pursue it further, but we have a vote on final passage. The record will be open for a period of 2 weeks. There may be some questions that we may have to direct to you. One of the concerns we have all had is the recognition that the general ecosystem of the North Pacific is down, whether it affects the walrus, the seals, or the bull sea lion. The fact that we have this decline leads one to believe that the addressing of these issues collectively is probably more significant to the fur seal than to anything else.

I have other questions that I will direct to the remaining witnesses because in fairness to them I just do not have the opportunity under the time constraints to pursue it. I want to thank you all for helping make what I think is a worthwhile record.

The points of view that are expressed I know uniformly are expressed in relationship to the maintenance of the species and let us hope that those who review this hearing in future decades will agree that the decisions that will be made by my colleagues will be in the best interest of the resource and not necessarily to expedite the situation at any given time or another, and I know that is your wish and it is mine as well. Thank you very much.

The hearing is adjourned.

[Whereupon, at 6:13 p.m., the committee adjourned, subject to the call of the Chair.]

APPENDIX

ADMINISTRATION'S RESPONSES TO QUESTIONS ASKED

1. You state in your May 23, 1985 letter to Chairman Lugar that the U.S. Government will not spend taxpayers' dollars to conduct the 1985 harvest. How will the Administration fulfill its obligation under this treaty -- that is to harvest 22,000 sub-adult bachelor males in 1985 -- if the Aleut community determines it is economically not able to do so? Please explain what would happen in 1986, 1987, and 1988. Specifically will the Aleut community sign an agreement not to solicit any form of U.S. Government subsidies for 1985 and future harvests?

A. For the 1985 fur seal harvest, the Tanadgusix Corporation of St. Paul Island has agreed to conduct the harvest in return for receiving the U.S. share of the 1984 harvests skins, which totals 15,395, as well as payments made by Japan and Canada for their share of the harvest costs, or a total of $60,000. Should the Aleut community decide that conducting the harvest is not economically feasible, the U.S. would have to consult with Japan and Canada about other alternatives. It is possible that the three countries could decide that the harvest is not economically viable.

Regarding future harvests, assuming the Commission recommends such in 1986, 1987, and 1988, it is the intent of the National Marine Fisheries Service that all future harvests be carried out without support from U.S. taxpayers. The harvest should be economically self supporting. No discussions have been conducted with the Aleut community with regard to payment for future harvests beyond 1985. However, Island residents have been informed that consideration beyond the value of services provided is not available.

2. If the Protocol is not ratified before the scheduled beginning of the harvest, what management authority does the Department of Commerce intend to exert over the taking of fur seals?

A. We believe that the best way to manage the fur seals is under the terms of the Fur Seal Treaty and strongly urge ratification before the scheduled July 8, 1985, commencement of the harvest. Without the Convention, both the fur seal population and the Aleut communities will suffer. If it is not possible to ratify the Protocol before July 8, Senate support for provisional application would be the most preferred alternative.

Without ratification or provisional application, we will be faced with having to reconcile two inconsistent statutes, the Fur Seal Act and the Marine Mammal Protection Act. Faced with the choice we would prefer to manage any taking of fur seals under the terms of the Fur Seal Act. If a subsistence harvest is allowed under the MMPA, the effects on the recovery of the fur seals could be devastating. Under the terms of the MMPA all age and sex classes of fur seals can be taken. NOAA does have the authority to restrict the subsistence taking under certain circumstances but to do so requires formal, on the record, rulemaking and regulations could not be in effect for this year's harvest. While this rulemaking progressed, females, pups and adult male fur seals could be taken in substantial numbers.

The Fur Seal Act potentially provides authority to regulate immediately any subsistence harvest and would permit the preservation of an internationally recognized and rational management system.

4. How much federal money has been spent in the Pribilof Islands in the last four years? On what projects?

A. NOAA Funding for the Pribilof Islands, 1982-85[1]

Fiscal Year	Actual Obligations
1982	5,473,800
1983[2]	5,949,000
1984[3]	1,377,000
1985(est.)[4]	2,556,000

1. Administration of the Pribilof Islands and conduct of the fur seal harvest. Does not include funding for fur seal research, which averaged approximately $330,000 annually.

2. A supplemental appropriation of $20 million was also provided for a special trust fund established by the Fur Seal Act Amendments of 1983, to promote a new economy on the Pribilof Islands.

3. Pribilof Island Program was terminated, including jobs and community services for island residents. FY84 obligations included termination costs less recoveries ($727,600), the harvest contract ($340,000), processing plant maintenance ($140,000), and continuing responsibilities in fur seal management and harvest oversight ($150,000).

4. Includes $2 million in supplemental funding for upgrading Federal facilities before transfer to island residents. Estimated remaining obligations limited to retirement and schools ($406,000) and fur seal harvest oversight ($150,000).

The State Department has obligated no funds for the Pribilof Islands during the last four years. A 1985 GSA study indicates that additional Federal funding has been provided during the past four years by the Departments of Health and Human Services, Housing and Urban Development, Interior, Labor, Transportation, as well as the Economic Development Administration. Specific figures during the past four years are not currently available.

3. How many seals could be taken annually by the residents of St. George and St. Paul under a subsistence hunt?

A. Under either the Marine Mammal Protection Act (MMPA) or the Fur Seal Act, the Pribilof Island natives are authorized to take fur seals for subsistence purposes. The level of subsistence taking authorized by either act is that which is necessary to meet the natives' subsistence requirements so long as the taking is not accomplished in a wasteful manner. Wasteful manner as defined in NOAA's MMPA regulations includes the killing of fur seals beyond those needed for subsistence purposes. Wasteful manner also includes takings which result in the waste of a substantial portion of the fur seal.

Since the commercial taking of fur seals has historically exceeded the subsistence needs of the Pribilovians, no accurate record exists of the extent of that need. The Pribilovians estimate that they require 15,170 seals to meet their subsistence needs. Such a level is supported by some historical evidence. Depending upon what presumptions one makes about past harvests and the relation to current subsistence needs, other figures could also be supported. Because it is unclear what the exact subsistence requirements of the Pribilovians are, NOAA will closely monitor any such harvest and will suspend it whenever it is being conducted in a wasteful manner.

5. Does the Federal Government receive the revenues from the sale of bone products? If it is not the Federal Government, please indicate who it is and attach the agreement under which the revenues are received.

A. The sale of so-called bone products is not now nor ever has been under the purview of the Federal Government. To the contrary, such products have traditionally been regarded as by-products of the commercial harvests to be dispensed with as determined by the native residents for subsistence needs and any other use desired. Hence, the Federal Government has no documentation concerning the sale of any so-called bone products. As this harvest is now conducted by the natives for the Tanadgusix Corporation on St. Paul Island, their leadership should be contacted for specific information regarding this matter.

6. Please describe the contract negotiations between the Aleuts and the U.S. Government for the 1984 seal harvest. Did the Aleuts refuse to conduct the harvest unless the contract was renegotiated?

A. With the enactment of the Fur Seal Act Amendments of 1983 on October 14, 1983, the Secretary of Commerce was given authority pursuant to Section 105 to contract out the fur seal harvest with any public or private agency or person, but with a preference given to the local village corporations. In December 1983, representatives of NOAA met in Seattle with officers of the Tanadgusix Corporation (TDX) of St. Paul Island to negotiate terms for the 1984 harvest contract.

The Tanadgusix Corporation agreed to conduct the 1984 harvest in accordance with the management plan approved by the North Pacific Fur Seal Commission in April 1984 in return for the 1981-83 harvested skins owned by the United States at the time of execution of the contract, or approximately 21,500 skins. Because the value of those skins as well as the costs to be incurred for the harvest were both questionable, TDX was given the right to terminate the contract on or before April 11, 1984. Because of TDX's inability to negotiate a profitable arrangement for processing the above mentioned skins with the Fouke Fur Company, TDX exercised its option to terminate its contract with the Federal Government in a timely manner in April 1984.

In May 1984, a modification to the prior contract was signed. This modification required the Federal Government to provide additional consideration of $500,000 in return for TDX's unequivocal obligation to conduct the 1984 harvest as well as complete stipulated repair and update work on the federally owned seal processing plant. By an accounting conducted by the Government late in 1984, costs attributed to the plant repair and upgrade totaled $160,000.

7. What is your view of the NACOA and Marine Mammal Commission recommendations?

A. 1) Consider suspending the harvest in light of the best scientific information.

- Done. The best scientific information from the Commission recommends continuing the harvest.

2) Allow the Secretary to modify the harvest level by amending the Fur Seal Act to allow such modification.

- We believe that this is provided for in the Statement, which allows modification of the harvest level if unforeseen circumstances arise.

3) If the harvest is suspended, allow subsistence harvest only on subsistence needs.

- Agreed.

4) Strive to amend the Convention to maintain Maximum Sustainable Productivity (MSP) as quantified by economic and social factors.

- MSP is currently the management goal of the Convention, and the Commission agrees that "economic factors" can be taken into account. As to "social factors," we have not discussed this term with other Convention parties, but will certainly do so if recommended by the Senate in giving its advice and consent to ratification.

From a biological standpoint, the National Marine Fisheries Service finds the questions raised by both NACOA as well as the Marine Mammal Commission to be not well founded. A sub-adult male only harvest as recommended by the North Pacific Fur Seal Commission does not jeopardize the population. The Scientific Committee, composed of the foremost internationally-recognized large mammal population specialists, has not been able to find any biological connection between the population decline and the harvest.

In 1985 the National Marine Fisheries Service entertained a position to list the North Pacific Fur Seal as threatened under the Endangered Species Act. After careful analysis based on the best scientific evidence, such action was found not to be warranted.

8. Would the Administration support a reservation banning a commercial hunt if that was the only way the treaty could be ratified?

A reservation banning the commercial harvest does not make sense because such a reservation may require renegotiation of the treaty as well as being viewed as a breach of the treaty by other members. Also, such a reservation would undermine the possibility of making a management change should the population decline be reversed.

9. We understand the Aleuts will receive sealskins from the 1984 harvest as partial payment for carrying out the 1985 harvest. Were not tax dollars used to pay for the harvest of those 1984 sealskins? Doesn't the use of U.S. Government owned sealskins as payment for the 1985 harvest virtually constitute a taxpayer subsidy?

A. The 1984 harvest was partially paid for with funds appropriated by the Congress in the 1984 Supplemental Appropriations Bill. Pursuant to Section 105(c) of the Fur Seal Act Amendments of 1983, the 1985 fur seal harvest will be financed through assets retained from the harvest conducted in the proceeding year. The use of these U.S. Government-owned sealskins to conduct the 1985 harvest is a procedure required by statute and is not a subsidy as long as the Government receives equivalent value in services.

10. Why is the Treaty called the Interim Convention?

A. That reflects the view of the Government of Japan that the issue of pelagic sealing is not resolved. The Treaty prohibits pelagic sealing, but Japan insists that the ban is only "interim," thereby underlining its contention that the return to pelagic sealing is possible.

11. The Senate understanding attached to the last extension four years ago asked the Administration to do several things regarding the Convention. Have you done them?

A. Most of these items fall under the responsibility of the Commerce Department and have been accomplished. The State Department was asked to continue to conform the Convention to the Marine Mammal Protection Act. In the initial efforts I described to renegotiate this agreement, we proposed using optimum sustainable population, or OSP, a definition for management under the MMPA. It was rejected by all other countries. We also made a strong push to put OSP in the Convention in 1976 when we renegotiated it.

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June 26, 1985

Richard Messick, Esq.
Chief Counsel
Committee on Foreign Relations
443 Senate Dirksen Office Building
Washington, D.C. 20510

Dear Mr. Messick:

Following the hearing on the North Pacific Fur Seal Treaty, the minority submitted a number of questions to The Humane Society of the United States and asked that we respond for the record of the aforementioned hearings. I have responded to the questions, below. For your convenience, I list the question, followed by the answer.

Question 1: **In your verbal testimony before the Committee you made reference to a chart that showed the decline in the North Pacific fur seal population since the mid-1950's. Would you please submit a copy of the chart, together with a complete reference for where you obtained the chart so that we may include it with your testimony in the record of the hearing?**

Response to Question 1: I am pleased to attach a copy of the chart for the hearing record. The chart is Figure 19 of a background paper entitled "Tables and Figures of the Basic Population Data for the Northern Fur Seals of the Pribilof Islands" authored by Laurie Briggs and Charles W. Fowler, National Marine Mammal Laboratory, National Marine Fisheries Service, NOAA, 7600 Sand Point Way N.E., Building 32, Seattle, Washington 98115. The paper was submitted to the 27th Meeting of the Standing Scientific Committee of the North Pacific Fur Seal Commission, Moscow, March 29 to April 9, 1984.

Question 2: **In 1984, the Humane Society of the United States, together with other animal-welfare groups, petitioned the United States Department of Commerce to list the North Pacific fur seal as a threatened species, pursuant to the provisions of the Endangered Species Act of 1973. Subsequently, the petition was denied by the Commerce Department. Could you please furnish for this Committee a copy of the petition, a list of all references you cited in the petition, and any reaction which you have to the denial of the petition.**

Response to Question 2: I am pleased to attach a copy of the petition for the hearing record. The petition itself contains a complete list of the references. Obviously, we were deeply disappointed that the petition was denied. We felt and continue to feel that the petition should have been granted because the fur seal population is obviously in an extremely depleted condition, the population is continuing to decline, and the Interim Convention has proven to be an inadequate mechanism for reversing the population decline and restoring the species. On a more pragmatic front, I believe it is apparent the denial of the petition was politically motivated by a desire to attempt to win reratification of the Interim Convention. For obvious reasons, the U.S. government simply did not wish to attempt to win reratification after finding that the Interim Convention had permitted the fur seal population to become threatened with extinction. This conclusion seems all the more compelling when one realizes that the sea otter and the gray whale, marine mammals, are both listed under the Endangered Species Act and their populations are substantially healthier than the North Pacific fur seal population.

Question 3: **Is it not true that during the late 1950's and 1960's the North Pacific Fur Seal Commission allowed females to be killed? Given that fact, is it not likely that the continuing decline of the fur seal population is caused by the lingering effects of the female harvest during those years?**

Response to Question 3: It is obviously correct that female fur seals were allowed to be killed during the late 1950's and 1960's. To be sure, this killing had a negative effect on the fur seal population. However, government scientists have now concluded that whatever negative effects such killing of females may have had, the effects are no longer operative within the population. In short, enough time has passed since the termination of the female kill (in 1968) that the negative effects would no longer be occurring.

Question 4: **There has been much discussion about the allegation that the fur seal hunt provides needed cash for the Aleuts and that this cash is necessary to enable the Aleut people to bridge the gap from a lifestyle dependent upon sealing to one which is dependent upon commercial fishing and other alternative forms of employment. Your organization and other animal-welfare groups have been accused of being insensitive to these needs of the Aleuts. Would you comment on that?**

Response to Question 4: I would be pleased to comment on that. A number of concerns are included in this question. First, as the NACOA report points out, revenues derived from fur sealing account for only eight percent of the income among the Aleuts. Thus, it seems likely that claims of economic dependence or pending economic ruin in relation to the continuance of fur sealing are exaggerated. As the NACOA report also points out, however, it is clear that the income from fur sealing would be an important source of funds to those 80 individuals who have been employed in the sealing operation. To the extent, then, that these funds are important to the people and to the island as a whole as a bridge to alternative employment, we would certainly support government grants aimed at replacing this lost income. However, we can not and will not support provision of these funds to continue the economically wasteful practice of commercial sealing which only continues the economic dependence of the islanders upon sealing. Rather, we would give strong support to providing these same funds for alternative and productive forms of employment such as those identified by the Aleuts themselves and which may be found on pages 26 and 28 of the NACOA report.

Question 5: **During the hearings a number of native groups suggested that subsistence levels were on the order of 15,000 or more seals per year for the Prifilob Islands. In your testimony you suggested that those levels were extremely excessive. Would you expand on those remarks.**

Response to Question 5: A subsistence level of 15,000 seals per year for the Pribilof Islands seems to me to be ludicrous and makes a sham of the concept of native subsistence. There are about 140 Aleut families. If these 140 families were allowed to take 15,000 seals per year, the result would be that each family would have to consume more than 100 seals per year. Indeed, they would have to consume a seal--an entire seal--every three and one-half days. This is absurd. We have looked into the subsistence needs of the people somewhat ourselves. Based on the fact that subsistence utilization would require near full utilization of carcasses and based on the levels currently allowed, and found adequate (with supplementing from St. Paul), on St. George Island, we estimate that total subsistence needs could be fulfilled by no more than 2,000 seals.

I hope these questions and answers are helpful to you and the Committee. If you have any questions, please let me know.

Sincerely,

John W. Grandy
Vice President
Wildlife & Environment

JWG:ss

cc: Peter W. Galbraith

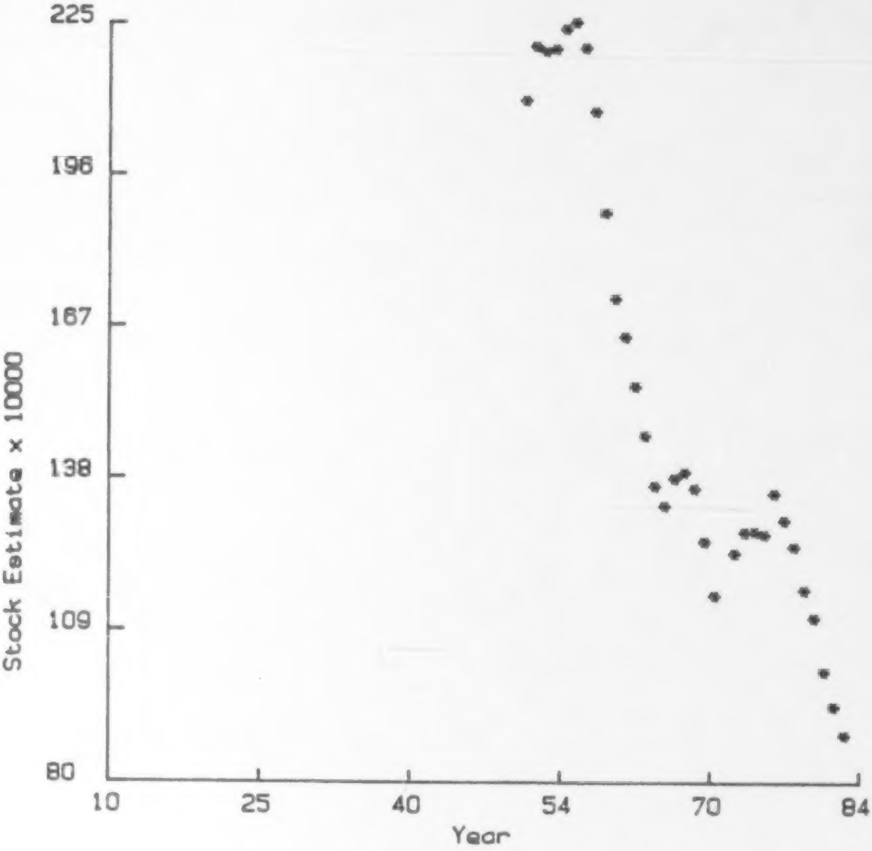

Figure 19. The estimated stock size of the northern fur seal population of the Pribilof Islands for the period 1951 to the present.

PETITION

Before The
Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

January 5, 1984

To list the Pribilof Fur Seal
(Callorhinus ursinus) as a Threatened
Species pursuant to the Endangered Species Act of
1973, as amended

filed by:

The Humane Society of the United States

Consequence

International Fund for Animal Welfare

Greenpeace

Animal Welfare Institute

Fund for Animals

prepared by:

The Humane Society of the United States
2100 L Street, NW
Washington, DC 20037
(202) 452-1102

This is a petition filed by the Humane Society of the United States (HSUS) and other interested parties pursuant to Section 4 of the Endangered Species Act of 1973, as amended, (16 U.S.C. § 1531 *et seq*.; hereinafter ESA) to declare the North Pacific Fur Seal (*Callorhinus ursinus*) a threatened species. This petition is based in large part on information supplied by the National Marine Fisheries Service (NMFS) to The HSUS in response to its February 16, 1983, Freedom of Information Act Request and by letter of March 25, 1983, from C. W. Fowler, NMFS, to J. W. Grandy, HSUS. Additional information was obtained from the 1983 draft Environmental Impact Statement (hereinafter "1983 DEIS") on the Interim Convention on the Conservation of North Pacific Fur Seals. The information in the aforementioned material is included herein by reference. Throughout this petition, information from these sources which is generally accepted and acknowledged is not consistently cited. Rather information sources are cited in order to resolve doubt or provide additional authority for matters which may be open to question.

A. Interested Parties

1. The Humane Society of the United States (HSUS) is a non-profit tax exempt corporation dedicated, *inter alia*, to the preservation, protection, and humane treatment of wildlife. HSUS has been deeply concerned over the survival, welfare, and humane treatment of these seals, and as early as 1968 and most recently

in 1980, sent an investigator to view the annual killing. HSUS files this petition on behalf of itself and its 210,000 members and constituents and on behalf of the other interested organizaitons, whose names, interests, and membership levels follow.

2. "Consequence" is an animal rights organization which conducts intensive research and makes detailed presentations on animal rights issues. This petition is filed on behalf of Consequence.

3. International Fund for Animal Welfare (IFAW) is an international organization created to promote animal welfare throughout the world. This petition is filed on behalf of IFAW and its 500,000 members.

4. Greenpeace is an international organization dedicated to the preservation of marine ecosystems. This petition is filed on behalf of Greenpeace and its 350,000 members.

5. The Fund for Animals (FFA) is a non-profit, tax exempt organization dedicated to promoting humane treatment for all animals. This petition is filed on behalf of the FFA and its 200,000 members.

6. The Animal Welfare Institute (AWI) is a non-profit organization which promotes the welfare of all animals and has

13,500 members. This petition is filed on behalf of AWI and its members.

B. Governing Law and Treaties

Management and annual killing of North Pacific Fur Seals are carried out pursuant to the provisions of the Interim Convention on the Conservation of North Pacific Fur Seals (hereinafter "Convention" or "Treaty") first signed in 1957, and since extended and "amended" by Protocols in 1964, 1969, 1976, and 1980. The Convention was formally implemented in the United States by The Fur Seal Act of 1966 (16 U.S.C. § 1151 et seq.) and is presumably designed to permit killing of fur seals to the extent such killing is compatible with the goal of maintaining the fur seal population at a level consistent with maximum sustainable productivity. However, the fur seal population is declining, is substantially below the maximum productivity level required by the Convention, and is at least 50% below the carrying capacity of its habitat (see: 1983 Background Paper submitted to the 26th meeting of the Standing Scientific Committee of the North Pacific Fur Seals Commission "Status of Northern Fur Seal on the Pribilof Islands", hereinafter "1983 Background paper"; 1983 DEIS at 23-26).

The Administrative Procedures Act ("APA"; 5 U.S.C. § 553 (e)) and Sec. 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1533) are the statutes under which the right of petition and review are granted. The APA provides the general procedure, and safeguards against arbitrary and capricious denial of the Petition. The ESA, together with the legislative history surrounding its most recent amendments, gives specific guidance on the consideration of petitions, factors to be considered in the listing process, and the specific reasons for which a listing may be made (see: 16 U.S.C. § 1533; P. 20 and 21 of House of Representatives Rept. No. 97-835 "Conference Report on the Endangered Species Act Ammendments of 1982" (hereinafter "Report")).

Specifically, the ESA (16 U.S.C. § 1533 (b) (1) (A)) notes that only scientific and commercial factors (meaning biological or trade (Report at 20)) may be considered when deciding whether or not to list a species. In other words only the current and reasonably predicted status based on biological and exploitation-related factors may be considered. It is impermissible under the ESA to consider the economic or political consequences of a listing, a fact which was made even clearer in the attendant legislative history (see: Report at 20).

Moreover, the ESA requires that, to the extent possible, candidate species--such as the Pribilof fur seal--be protected from adverse avoidable consequences of the prospective actions of Federal agencies (16 U.S.C. § 1536 et seq.).

Both of the foregoing admonitions and the Endangered Species Act itself suggest that in cases where doubt exists with respect to the status of a species, the Secretary should--indeed, must--err, if at all, on the side of providing protection for the species, not on the side of withholding perhaps necessary protection. The reasons for such caution are apparent: if we err by providing "too much" protection, we only succeed in "unnecessarily" taking action designed to preserve a species. In the alternative, if we err by providing too little protection, a species may pass the point of no return or, at best, require much more effort later to achieve restoration. In short, where substantial proof of serious declining exists, or even where some indication of serious decline and substantial doubt exist, regarding the status of a species, the Secretary must grant a petition to list an animal as threatened, thus allowing maximum protection for the species in a timely fashion.

Finally, the ESA provides no specific guidance on what a petition must contain other than "substantial" information (16 U.S.C. § 1533 (b) (3) (A)). The statute does, however, list the reasons for which the Secretary may find a species appropriate for listing (16 U.S.C. 1533 § (a) (1) (A) et seq.). It follows that these factors are among those which, in influencing the biology of a species, the Secretary must consider in analyzing a petition. For that reason, our comments, in part, summarize information in a manner which is directly related to the five reasons for which the Secretary may, by law, list a species as threatened or endangered. These factors are:

a. The present or threatened destruction, modification, or curtailment of its habitat or range;

b. Overutilization for commercial, sporting, scientific, or education purposes;

c. Disease or predation;

d. The inadequacy of existing regulatory mechanisms; or

e. Other natural or manmade factors affecting its continued existence.

C. History of Fur Seal Management

United States responsibility for fur seals began in 1867, with the acquisition of Alaska, including the Pribilof Islands, from Russia. The fur seal population at that time is estimated to have been at or near 3 million, with the seal population connected with the Pribilof Islands at 2 to 2.5 million. Seal killing was a way of life on the Islands because the Russians had relocated, and abandoned, the Aleuts on the Islands as "slaves" whose job was to kill seals.

The U.S. continued to allow sealing and indeed sealing "rights" were leased by the U.S. in twenty-year leases from 1870 to 1910. Sealing also continued in Russia but by the late 1800's sealing was largely ended on Robben and Commander Islands, because the seal population had been severely reduced by commercial operations. Pelagic sealing largely ended in 1911, with implementation of an International Agreement which was signed by the U.S., Great Britain (for Canada), Japan, and

Russia. In 1912, the low and decimated seal population caused the U.S. Congress to prohibit killing of seals on the Pribilof Islands.

Although seal killing on the Pribilof Islands began again in 1917, the temporary cessation and subsequent regulation of killing on the Commander, Robben, and Pribilof Islands aided in allowing a marked population expansion through the 1920's and 1930's.

In 1941, Japan renounced the Agreement and from then until 1957, fur seals were managed under joint agreement between the U.S. and Canada.

The current Convention was signed on February 9, 1957, by the Soviet Union, Canada, the United States, and Japan. At that time the seal population was estimated to be near 3 million, with 2 to 2.5 million in the area of the Pribilof Islands.

The Convention has been renewed and/or "amended" through a series of Protocols in 1963, 1969, 1976, and 1980.

The major substantive provision of the Convention is Article V.2.(d) which requires the Party nations to maintain the northern pacific fur seal population at a level which will result in maximum sustainable productivity. The 1980 Environmental Impact Statement (hereinafter "1980 FEIS") asserted that this admonition in the Convention, together with the expertise of the Standing Scientific Committee appointed under the Convention, was sufficient to "prevent stocks of northern fur seals from diminishing to a level which could endanger their existence." (1980 FEIS at 2-3).

While this may or may not eventually prove to be true, it is clear that the Convention and Scientific Committee have not been sufficient to prevent the fur seal population from declining from near 3 million (in 1957) to the current level of 1.4 million (1983 DEIS at 14).

D. Fur Seal Biology, Population History and Status

The fur seal is a marine mammal of the family Otaridae and the monotypic genus Callorhinus. Depending in large part on age and condition, adult females generally weigh from 65 to 120 pounds, while adult males weigh 350 to 600 pounds. Females breed at 4 to 5 years. Pregnant females normally produce only one pup and males are polygamous.

Fur seals inhabit subarctic waters of the North Pacific and breed primarily in the Soviet Commander, Robben, and Kurile Islands, and the U.S. Pribilof Islands. In addition, a small and growing breeding population inhabits the San Miguel Islands in California.

In the northern portion of the breeding range, seals begin coming ashore in June and leave by November. Pups are born during early July.

The fur seal was discovered for commercial purposes in 1786 and "harvesting" began almost immediately. Since that time population numbers have varied dramatically. The best estimate of the pre-exploitation population was near 3 million, with 2 to 2.5 million on the Pribilof Islands. The lowest estimated population for Saint Paul and Saint George Islands, following major pelagic and other exploitation, was 200,000 to 300,000 in 1912.

After restrictions on kill were instituted, the fur seal population increased from about 1912 to the 1950's, at which time the population was again at or near 3 million seals. From 1956 to 1968, both females and males were killed and the population declined. Since 1968, a male only kill has been permitted and the population has apparently continued to decline although not at a constant rate. In 1980, the population was estimated to be 1.74 million seals (1980 FEIS at 15). Current estimates place the population at about 1.4 million seals (1983 DEIS at 14), with the decline, possibly accelerating, now about 8 to 10 percent per year (NMFS officials, Pers. Comm.) The estimated carrying capacity for seals has not changed; thus the population is at a level of less than 50% of carrying capacity, and the maximum productivity level required by the treaty is not being attained (1983 Background Paper at 1, 8; 1983 DEIS at 23-26).

E. Causes of the Population Decline

Despite the conclusive evidence of a serious and continuing population decline, no one has been able to conclusively determine the reason(s) for the decline.

Some officials believe that the decline is still being caused by the killing of females which occurred between 1956 and 1968. Recent government data suggest, however, that the negative effects of the female killing on the population should have ended many years ago (1983 Background Paper at 10).

Another possible cause of the decline is entanglement of seals in discarded or lost netting and/or packing bands (1983 Background Paper at 9-10; Investigations on Fur Seal Entanglement in Net Fragments, March 1983 paper by Scordino and Fisher, Submitted to the 26th Annual Meeting of the Standing Scientific Committee, North Pacific Fur Seal Commission, hereinafter "1983 Entanglement Paper"). Observations of entanglement scars, as well as dead and living entangled seals, lend support to this theory. Indeed, some officials estimate that mortality due to entanglement may now exceed 5% of the population per year (1983 Background Paper at 10).

Another possible cause of the decline is the killing of the seals through commercial and other "harvest". Such destruction amounts annually to 24-30,000 seals. While most of the seals killed are males, some females are killed each year and this mortality, which is attributable directly to commercial sealing, must have a negative impact on the population. Further, evidence is mounting that the killing of even the male seals is having a strong negative impact both on the seals themselves and the population as a whole. First, on St. Paul Island where the commercial kill of male seals continues, the rate of decline is higher than it is on St. George Island where only a relatively small subsistence kill is permitted (1983 Background Paper at 4). Moreover, the seal population is expanding on the San Miguel Islands, where no killing of bachelor males is or has been permitted. In light of these facts, the summary and unsupported assurances (see: 1983 Background Paper at 1, 9) of those involved in the commercial kill that such commercial killing does not contribute to the continuing 8 to 10 percent annual population decline seem self-serving, at best.

F. Summary of the causes of the population decline as related to the factors for which an animal may be listed.

1. The present or threatened destruction, modification, or curtailment of its habitat or range.

This factor is not important because the carrying capacity of the habitat has apparently not declined since the population was discovered.

2. Overutilization for commercial, sporting, scientific, or education purposes.

This factor is certainly contributing to, if not causing, the population decline. The commercial kill results in the elimination of 24-30,000 seals per year. While most of these are males, loss of which NOAA suggests will not harm the population's productivity, some are females, the loss of which must reduce both the population and productivity.

Furthermore, the rate of decline is higher on St. Paul Island, where U.S. commercial kill occurs, than it is on St. George Island where no commercial kill is allowed (1983 Background Paper at 4). Thus, there may be some subtle, if unknown, effect of killing these presumably "excess" males on the productivity of the entire population. This conclusion is buttressed by the fact that the seal herd on the San Miguel Islands in California has continued to expand, in spite of the fact that it is not subject to the killing bachelor males. The factor at work could be genetic, physical disturbance, or a reduced rate of impregnation (see: Gentry, Feb. 1983, Draft Rept. of Progress Under the Coordinated Bering Sea-Pribilof Reseach Proposal: 10 year Rept. at page 10 (§ 15b)).

3. Disease or predation.

These factors seem unimportant as there is no evidence of unusual disease or predation, except predation by humans, which is discussed elsewhere.

4. & 5. The inadequacy of existing regulatory mechanisms and other natural or manmade factors affecting its continued existence.

These two factors, taken together, must be considered of overriding importance in the continuing demise of the fur seal. The Convention requires that the fur seal population be managed at a level which insures maximum sustainable productivity. However, decisions made by the Parties pursuant to the Convention have provided a demonstrably inadequate mechanism for insuring such a result, based on the fact that all Parties now agree that the fur seal population has declined to a level substantially below maximum productivity, and no corrective action has been taken. Indeed, at the 1982 and 1983 meetings of the Parties, despite increasing evidence of a decline, and, no evidence that the annual killing is benefiting the seal population, the parties voted to continue to allow the annual commercial killing of 24-30,000 seals. Clearly, the Convention, which is the existing regulatory mechanism, has failed and continues to fail, as currently implemented, to provide adquate protection for fur seals.

Moreover, entanglement in old pieces of netting or other debris from packaging has long been identified as a serious cause of mortality. Numerous papers and reports have been produced on this by the North Pacific Fur Seal Commission (see: 1983 Entanglement Paper at 32-33). However, the only action taken recently has been the production (in 1982) of posters for use on board ship and in ports asking fisherman not to discard material overboard. Whether this will be helpful remains to be seen. However, the fact that similar materials were produced, distributed and/or posted in 1976, 1977, and 1978 asking fishermen to refrain from discarding this material, with no apparent decline in mortality, suggests that these efforts will be ineffective.

In addition, such action even if successful only deals with a part of the problem, since the sea already contains millions of tons of such material which is presumably capable of causing substantial and continuing mortality for innumerable years.

Furthermore, from a U.S. perspective, the governmental mechanisms for insuring compliance with the Convention's provisions have been equally inadequate. The U.S. Government has known for many years that the fur seal population was declining. The government has also consistently identified entanglement as a cause of mortality. NMFS, by letter of May 31, 1983, committed itself to convening a meeting of scientists in August 1983 to examine the problem. Yet August 1983 has come and gone, without the promised meeting, and the meeting date is now set for August of 1984. Such delays clearly demonstrate a lack of adequate attention to the problem and a lack of governmental mechanisms to deal with a serious failure to achieve the purposes of the Convention.

G. Summary and Conclusion

In summary, it is our belief that the Pribilof Fur Seal should be listed as a threatened species as soon as possible. The population has declined by more than 50%, and the decline continues. The current rate of decline is 8-10% per year, and the population is at a level of less than 50% of carrying capacity in violation of the Convention. Finally, there are no indications that the decline has abated; indeed, recent data suggest that the rate of decline may be accelerating. Moreover, government officials have not yet been able to identify, much less correct, the cause of the decline.

Clearly, this is the kind of situation which the threatened species listing was designed to correct. It is clear that the Federal Government, despite an International Convention and the Marine Mammal Protection Act, has been unable to solve, or even positively identify, the problems of the fur seal. More effort, as well as focused attention, is needed. Yet, since 1974, without the authority and mandate of the ESA, the government has taken no direct corrective action whatsoever, apparently just producing posters and other literature in 1977, 1978, and 1982.

Meanwhile, the situation grows progressively worse. With a decline of 8 to 10% per year, mathematics suggests that it may only be a short time before the species is endangered. For example, the population is now at level of less than 50% of carrying capacity. At a rate of decline of 10% per year, the population will be reduced by 1/2 every seven years. Thus, if the rate of decline remains at about 10% per year, the seal population will be at less than 1/8th of its former level in just 14 years. Then it will be fully endangered.

In conclusion, the situation is as follows:

1. The population is declining by at least 8-10% per year, and the rate of decline may well be accelerating.

2. No actions are planned or have been taken to reverse the decline.

3. Under such circumstances, it must be assumed that the decline will continue.

4. The population size will decrease by 1/2 every seven years.

5. This rate of decline is clearly threatening the survival of the seals.

Based on the foregoing evidence and discussion, we respectfully urge that this Petition be expeditiously granted.

NINETY-NINTH CONGRESS

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U.S. House of Representatives
Committee on
Merchant Marine and Fisheries
Room 1334, Longworth House Office Building
Washington, DC 20515

CHIEF COUNSEL
EDMUND B. WELCH

MINORITY STAFF DIRECTOR
GEORGE D. PENCE

June 11, 1985

The Honorable Richard G. Lugar
Chairman
Committee on Foreign Relations
U.S. Senate
440 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

It has come to my attention that your Committee will shortly consider the Protocol extending the Interim Convention for the Conservation of North Pacific Fur Seals. I ask that the following comments in support of that Protocol be entered into the Committee record:

The Convention is widely considered to be one of the most important resource conservation agreements currently in effect. Scientists, game managers, and conservation groups have all supported the Convention and the protection it affords to the migratory population of North Pacific fur seals. Absent the Convention, seals could be subject to pelagic taking, a wasteful practice that was responsible for the original decline in the fur seal population which led to the signing of the original fur seal agreement between the United States, Canada, Japan, and the Soviet Union. I am sure that those who support termination of the Convention would not wish a return to the earlier regime of pelagic sealing.

In addition to the protection afforded fur seals under the Convention, the scientific regime serves to promote the exchange of research data among the signatory countries. Without the existence of the Convention framework, it is highly unlikely that scarce research dollars would be spent to promote the conservation and management of fur seals. In the U.S., continuation of research funding has been predicated on the continuation of the Convention. In Japan, Canada, and the Soviet Union, there would be no incentive to provide money for fur seal research. Thus, we could very easily fall behind in our understanding of this important component of the marine ecosystem. Further, we would lose the opportunity for maintaining close working relations among scientists in the signatory nations. I need not emphasize the importance of such contacts at times when relations between nations are at a low ebb. We need to take every opportunity available to ensure that working relationships are continued; the Convention provides a means of doing so.

I believe that the reasons cited above are enough in and of themselves to demand continuation of the Convention. Yet, there is an even more important consideration that the Committee should recognize; the well-being of the Aleut people who are resident on St. Paul and St. George Islands and who depend on fur seals for their livelihood. For 200 years, the Aleut residents of the Pribilof Islands have harvested fur seals. They started as slaves to the Russian-America Company; when the U.S. purchased Alaska in 1867, they became slaves, and later wards, of the U.S. Government. Only in recent years have they been allowed to exercise the rights and responsibilities of free American citizens. They are trying desperately to meet the goals ordered for them by the U.S. Congress: to develop an economy not dependent on sealing. Until they do, however, the fur seal harvest allowed by the Convention is their primary source of employment. In my view, the Congress should be trying to keep Americans working, not forcing them onto the welfare rolls.

In sum, I think it imperative that the Protocol be ratified. The Convention which it extends is a sound conservation document which provides a forum for international cooperation, promotes needed research, and provides jobs for American citizens. Thank you for allowing me to comment.

Sincerely,

Don Young

Don Young
Ranking Minority Member
Subcommittee on Fisheries
and Wildlife Conservation
and the Environment

DY:rmd

27 Ludlow St. #6
New York, NY 10002
June 13, 1985

Committee on Foreign Affairs
419 Dirksen Senate Building
Washington, DC 20510

WRITTEN TESTIMONY, FOR THE RECORD, ON THE INERIM CONVENTION ON THE CONSERVATION OF THE NORTH PACIFIC FUR SEAL IN THE COMMITTEE ON FOREIGN AFFAIRS ON JUNE 13TH.

I STRONGLY **OPPOSE** THE EXTENSION OF THE ABOVE TREATY. AMERICANS KNOW OF THE BRUTALITY OF THE SEAL "HARVEST", AND THEY WILL NO LONGER ACQUIESCE IN ALLOWING THEIR TAXES TO PAY FOR A CRUEL AND TOTALLY UNNECESSARY PRACTICE.

The very concept of the word "conservation" used in connection with an extension of the Interim Convention is a parody. The seal population is declining at a rate of 8% annually and is below the "maximum sustainable productivity level".

The Federal Government has subsidized the Aleuts in the form of buying 30,000 pelts that cannot be sold (30,000 seals brutally clubbed to death for nothing). The Government paid $340 thousand to the Aleuts for last year's hunt. In addition, the Aleuts received $20 million in a Federal trust fund to diversify their economy, $15 million for harbor development, an $8.2 million Indian Claims Commission settlement, and a $500,000 grant for job training.

In view of the aforementioned facts, a continuation of the treaty can only be regarded as a means of maneuvering still more Federal monies to Alaska where sealing is used as a ruse for demanding subsidies.

To continue the clubbing of seals where there is no market for pelts, and no seal over-population, indicates a grossly inhumane and backward mentality toward animals and wildlife management. There are humane methods for dealing with animal over-populations. In light of the large sums of money that the Federal Government has allocated in support of the economy of a mere 140 families in the Pribilof Islands during their transition away from a dependency on sealing as a source of income, it should be expected that some of that money should have generated truly conservation-oriented ways of maintaining a viable balance for co-existence between man and the indigenous species that inhabit the waters of the Pribilof Islands.

We must always keep in mind that whenever human beings attempt to manipulate the balance of nature through exploitation, they risk upsetting the results of millions, and even billions, of years of evolution which no application of millions and billions of dollars can reverse. The extent of human dependency upon this balance is an unknown. To decimate one species after another for short-sighted economic gains is foolhardy, at best.

As an active member of several animal rights organizations with memberships of thousands, I can confidently state that Americans will not tolerate a renewal of the Interim Conference and will refuse to finance another bloody seal hunt with tax dollars.

Failure to vote against the treaty will have to be regarded as gross indifference to public opinion and basic humanity.

Alicia Czechowski

HALF THE HUMAN/ANIMAL LIBERATION FRONT
P.O.Box 1990 · Cathedral Station · New York, NY 10025

June 12th, 1985

Committee on Foreign Relations
419 Dirksen Senate Building
Washington, DC 20510

Written Testimony, for the record, on the Interim Convention on the Conservation of the North Pacific Fur Seal, in the Committee on Foreign Relations, June 13th

Submitted by HALF

HALF (Human/Animal Liberation Front) strongly opposes the extension of the Interim Convention on the Conservation of the North Pacific Fur Seal (referred to as the treaty in this testimony). We are surprised that Alaskan Senators are favouring such an extension. Are the Aleuts to club seals forever? Are they not to move from an archaic economy to a modern competetive one?

We find the arguments in favour of the treaty's extension not only weak but simply fallacious.

Proponents of an extension talk about staggering figures of Aleutian unemployment. Yet the Aleuts received, up-to-date, $20 million in Federal trust funds, $8.2 million in Indian Claims Commission settlements, almost $20 million from the State of Alaska for harbour development, and $500,000 in job training grants. Seven hundred Aleuts are the recipients of $43.7 million, averaging $70,000 a person (infants, elderly, etc., included). Some might say that the Aleuts could live off the interest from the above investments. The talk of unemployment is totally misleading: the seal kill would provide 81 jobs for 4 weeks only.

Proponents of an extension claim that there is a seal overpopulation. Not only has such overpopulation not been documented but the Commerce Department's Draft Environmental Impact Statement on the Convention tells us that the seal population is below the so-called level of "maximum sustainable productivity". Furthermore the seal population is declining by 8% a year. Proponents of an extension will claim that the seal kill is not to be blamed. How absurd! The most generous estimate of the seal herd is 1.2 million, thus killing 25,000 seals amounts to genocide of 2% of the full herd.

Proponents of an extension claim that without the treaty the Aleuts would "harvest" some 15,000 seals anyway. (They speak of a seal "harvest" as if seals were corn or wheat.)

Wrong. The seals, without the treaty, would come under the protection of the Marine Mammal Protection Act. Mr. Merculieff, a spokesperson for the Aleuts, said that the seal kill will not take place unless the Aleuts get "a clear signal from the Senate" to go ahead with the killing (NY Times 5/9/85). It is unclear to us why proponents of an extension think that 700 Aleuts need 15,000 seals for subsistence.

Proponents of an extension claim that ending the treaty will result in gruesome high seas sealing. Wrong again. In the past Japan failed to sign the treaty twice, yet no pelagic sealing occured.

Proponents of an extension claim to have wildlife groups on their side. But who are these groups? The National Wildlife Federation and the Wildlife Legislative Fund of America are not what their names suggest them to be: concerned for wildlife. They are groups of hunters and trappers and fishers concerned with wildlife only in order to consume it.

Seal furs, and seal clubbing, are out of fashion. It is a pity that proponents of the treaty (some of whom should care for diversifying the Aleuts' economic base) fail to grasp how archaic the treaty is.

Last year the Federal Government bought 30,000 seal pelts that are now stored in warehouses. The original cost for the unwanted pelts was $300,000. Storing the pelts is a costly business that amounts to $4 million a year. There is no market for seal furs!

When considering all of the above it is hard to understand the enthusiasm displayed by the treaty's proponents. May be their motivation can be revealed by Senator Murkowski's words: "The Seals are only second to Japan in consuming fish". Proponents of the treaty might like to remove all seals in order to get more fish. However, before killing any amount of seals, a thorough study must be performed on the effects of seal killing, and present as well as future fish, and other ocean life forms, numbers. We may well find that the natural ecological system has its own way of backfiring when Man tries to over-dominate the seas. The seals' natural environmet is the ocean, not so the Japanese'.

Extending the treaty is not in the best economic (or moral) interests of the U.S. We oppose the Canadian harp seal killing (which proponents of the treaty try desperately to distinguish from the Pribiloff seal kill). Are we to allow a similar bloodshed on our own soil in order to please Japan and the USSR?

A. Magidoff
Avi Magidoff

MODERN CONDITIONS OF THE FUR SEAL POPULATION OF THE COMMANDER ISLANDS AND THE MAIN PRINCIPLES FOR REGULATING SEALING UP TO 1990

by V.A. Vladimirov, VNIRO

Presently (in 1983) the total number of the Commander Island fur seal population is 225,000. Of this number, the stock of the Northern rookery includes about 80,000, the Southeastern rookery about 70,000, the Northeastern rookery about 40,000, and the Urylie stock estimates are approximately 35,000. Analyzing the population dynamics during the last quarter of the century, it should be noted that it had a continuous rapid growth up to the mid sixties. Then, the rate slowed down, and finally the population growth ceased completely. The fur seal population of the Commander Islands is now at a stable level of about 200-220,000, with some fluctuations from year to year.

These trends can be illustrated by the population dynamics of the fur seal pups born on the Commander Islands, which serve both as the main factor characterizing the population condition and as the basis for estimating its total number (Table 1). Similar population dynamics are characteristic to all the commercial rookeries, though there are unique aspects on every rookery. Thus, during the past several years a certain general tendency of a gradual growth of the number of newly born pups has been observed on the Northern and Southeastern rookeries (though it is more distinct on the former one). And, on the contrary, a slowing down of the number of pups born has occurred on the Northwestern rookery. Only on the Urylie rookery, where no sealing occurs, has the fur seal herd always continued to grow during the entire period under investigation (Figure 1).

The fur seal population of the Commander Islands ceased to grow in the second half of the sixties and the early seventies due to a deep depression in growth during this period. Investigations conducted some time later showed that the cessation was caused by an unexpected increase of the non-harvest mortality of young fur seals during their marine period of life. However, there was no possibility of ascertaining this fact at the time because the appropriate scientific methods had not been arrived at. A limited harvest of the fur seal bachelors (males aged 2-5 years), which earlier did not affect the fur seal stock condition, and conducted therefore at the same level afterwards, appeared to be extremely high under the condition of an increased natural mortality. In some years this bachelor harvest brought the population down to the depressed state (R.G. Borodin and V.A. Vladimirov, 1975). The depression manifested itself most vividly in the sharp decrease of bull abundance on the commercial rookeries. Thus, up to 1973, figures characterizing the reduction in the number of adult fur seal bulls were down by 86.6% (by 7.4 times, from 2,960 buills to 398) on the Northern rookery; by 70.4% (by 3.4 times, from 2,307 to 685) on the Southeastern rookery; and by 65.5% (by 2.9 times, from 752 bulls to 260) on the Northwestern rookery, compared to the maximums of the previous decade. Due to such a dramatic decrease of the mature bulls in the population, the percentage of mature females giving birth decreased very rapidly from 75-90% to 50-70% (North Pacific Fur Seal Commission, 1971, 1975, 1981). All these factors caused a slowing of the growth of the fur seal population on the Commander Islands during the past decade.

During this period, the same situation occurred on Robben Island and on the Pribilof Islands as well, where the number of bulls decreased by 5.4 and 3.7 times respectively, and the number of newly born pups decreased by 2.1 and 2.6 times respectively (according to the data of the North Pacific Fur Seal Commission). Together, these trends indicate that from the late sixties through the early seventies, the depression occurring in the populations in the North Pacific was a general phenomenon.

Urgent measures undertaken to overcome the depression of the Commander fur seal population (a complete ban on the harvest on the rookeries of Bering Island, a sharp decrease in the harvest intensity on the Southeastern rookery of Madny Island, and a restriction of size of bachelor males allowed in each harvest) made it possible to restore the bull numbers in all the commercial stocks adequately fast. Thus, the adult males numbers increased quickly up to 3,400 on the Northern rookery, to 2,200 on the Northwestern rookery, and to 2,500 on the Southeastern rookery. However, in spite of the preliminary forecasts, this increase involved no adequate growth of the number of newly born pups, which on the whole remained at the same level as in the mid seventies. (Thus, the pup number was within the range of 20-25,000 on the Northern and Southeastern rookeries, and 12-15,000 on the Northwestern one.)

The number of fur seal pups born on the Commander Islands did not increase significantly in spite of the fact that the percentage of pregnant female was restored to the norm in the group of mature females. This lack of increase was evidently caused first by the stabilization of the breeding grouping of this population, and, secondly, by the relatively small number of young females within it, because the number of newly born pups is directly connected to the number of young females (Kuzin and Panina, 1977; Vladimirov, 1982). Evidently, this should all be considered as a prolonged effect of a depression which occurred 10-15 years ago, since under such conditions one observes not only a quantitative reduction in the number of pups born, but also its qualitative worsening -- namely, that of the viability, the reproductive capacities, and other factors (Naumov and Nikolsky, 1962). This evidently affects the stock for a long period afterwards. It should be noted that the estimates given by the scientists of IAPM[1] of FESC[2] of the USSR Academy of Sciences (E.J. Frisman, personal communication) show that a significant increase in females is not expected in the Commander Islands up to 1990. Thus, neither an increase in the number of pups born, nor of the population itself is expected as well.

Taking these facts into account, the sealing (conducted now on three Commander rookeries, namely the Northern, Northwestern, and Southeastern), is planned to be conducted during the last years of the 1980's such that the sex structure of the reproductive part of the population is brought to its optimum in the near future (the quantitative proportion between males and females). It should be noted that up to the present time the unique aspects of the reproductive organization in fur seal populations necessary for implementation of scientifically-based recommendations on the regulation of age-sex structure in the stocks were poorly studied. Thus, different scientists gave very contradictory ideas on the normal proportion between bulls and potentially mature females (from 1:9-12 up to 1:35-40); the age structure of mature males, and its seasonal fluctuations were not taken into account; the data on participation in reproduction by bulls of different ages were also absent; and some other details were unknown as well. These contradictions and gaps made it difficult to organize the fur seal industry rationally. Only during recent years has it become possible to reveal the basic biological characteristics of the mechanism of organization of fur seal reproduction in direct relation to the problem of regulating their harvest (Vladimirov et al., 1982; Vladimirov and Lyskin, 1983). In particular, it has been realized that the organization of reproduction in a stock in a close to natural condition (which with the present state of our knowledge should evidently be considered as the one close to optimum) has the following characteristics:

1. Only the bulls 8 years and older take part in reproduction in fact; they account for more than 90% of the copulations.

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[1] IAPM - Institute of Automation and Processes Management.

[2] FESC - Far East Scientific Center.

2. Young bulls at age 7 years as a rule do not really take part in the reproduction; they should be considered as the reserve bulls entering the reproduction only in extreme situations.

3. During the main mating season (third ten-day period of June-July), the bull population changes at least three times on the harem rookery (the average duration of bull stay on the rookery is less than 15 days); this is accompanied by their permanent progressive rejuvenation since the males coming later are younger.

4. A real correlation between the reproductively-active mature bulls at age 7+ years (more than 7 years, or 8 years and older) and the potentially mature females is about 1:20 in a harem grouping, which apparently is the optimum for fur seals.

These new basic biological parameters allow sufficiently accurate assessment of the number of mature bulls necessary to ensure the optimum (or close to optimum) sex structures for harem fur seal groupings:

$$N_m^{7+} = \frac{N_f}{20}$$

where N_m^{7+} is the number of bulls 8 years and older; this number is necessary to obtain the correlation between the mature males and females equal to 1:20.

N_f is the number of potentially mature females in a stock.

20 is the factor of intended correlation between the mature bulls and potentially mature females.

The estimates performed with this formula, taking into account a forecast of the females numbers at different rookeries completed at IAPM of FESC of the USSR Academy of Sciences[3], showed that to ensure a normal ratio between mature bulls and females (we repeat once more that the male fur seals aged 8 years and older only are considered by us as the mature ones), it is necessary to have -- throughout the whole period up to 1990 -- 1,750 males aged 7+ years on the Northern rookery; 1,550 of the same age on the Southeastern rookery; and 950 on the Northwestern rookery.

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[3] The estimation of IAPM for the period up to 1990 showed that the number of mature female fur seals on the Northern rookery (if the modern rates of the natural mortality are kept) will remain stable, not higher than 35,000 and the number on the Southeastern rookery will be kept at the level of about 31,000 (E.J. Frisman, personal communication). The number of the potentially productive females will be stable at about 19,000 on the Northwestern rookery, according to the IAPM conclusions extrapolated by me.

Taking into account the natural mortality of males 8 years and older (in total, about 35% per year, Lander, 1981), this group of bulls should annually recruit approximately 610 young animals at age 8 years (R_m^8) on the Northern rookery to keep their number at the required level; 530 on the Southeastern rookery; and 330 on the Northwestern rookery ($R_m = 0.35N_m^{7+}$). The calculations show that to ensure such a recruitment, it is always necessary to keep -- for reproduction purposes -- about 1,375 male fur seals aged 3 years, or 1,170 ones aged 4 years, or 995 ones aged 5 years on the Northern rookery ($R_m^3 = \frac{R_m^8}{0.85^5}$; $R_m^4 = \frac{R_m^8}{0.85^4}$ and $R_m^5 = \frac{R_m^8}{0.85^3}$); the analogous numbers are 1,215, 1,035, and 880 on the Southeastern rookery; and 745, 630 and 535 on the Northwestern rookery. The figure "0.85" is the coefficient of the annual male survival within the range from 3 to 8 years (Lander, 1981).

Using data on the initial numbers of the fur seal year-classes entering the commercial harvest age, and data on commercial harvest removal from those classes during previous years (in cases where such a removal has taken place), it is also not difficult to calculate the maximum allowable volumes of harvest of bachelors of each age which will not damage reproduction in the future. To unify these calculations, we elaborated formulae to determine required values as follows:

$$Y_3 = \left(\frac{N_o}{2} 0.38 - K_m^2\right) 0.85 - R_m^3 ;$$

$$Y_4 = \left[\left(\frac{N_o}{2} 0.38 - K_m^2\right) 0.85 - K_m^3\right] 0.85 - R_m^3 ;$$

$$Y_5 = \left\{\left[\left(\frac{N_o}{2} 0.38 - K_m^2\right) 0.85 - K_m^3\right] 0.85 - K_m^4\right\} 0.85 - R_m^5 ;$$

Where "Y_3, Y_4 and Y_5" are the highest catches of the bachelor males at age 3, 4 and 5 respectively;

"N_o" is the number of live pups in a respective year-class;

"K_m^2, K_m^3 and K_m^4" are the numbers of killed bachelors at age 2, 3 and 4 years;

"R_m^3, R_m^4 and R_m^5" are the reserve of bachelors kept for the reproduction purposes at age 3, 4 and 5 years respectively;

"0.38" and "0.85" are the ratios of the male survival within the range of 0-2 years and their annual survival within the range of 2 years and up respectively.

Using the results of the formulae, one should take into account that the catch limit for 4 and 5 year old males as a rule can be taken completely during the harvest period. However, experience shows that in practice the number of 3 year olds taken during the sealing period is never higher than 40% of the total number of this age group, due to the fact that these animals arrive at the islands later and slower (many of them arrive when the harvesting season is over).

Beginning with 1983, this method has been used to calculate the rational commercial use of the Commander fur seal population stock. In analysing the forecast of the bachelor harvest on the Commander Islands in the near future, it appears that during the period up to 1990, the fur seal harvest would remain at a stable level -- about 5,000 individuals -- varying somewhat from year to year depending on the numbers of the year-classes entering the commercial harvest age. Such a forecast is made only on the condition that the status of the fur seal population is also stable up to 1990.

It should also be noted that the bachelor harvest was planned on the Commander Islands in the post-depression period so that the bull numbers were kept at a high, stable level, which had been attained by strict harvest limitations adopted during the depression period. (At the same time, it was concluded that there is no need for further growth in the number of bulls, as the forecast shows no growth in female fur seals numbers up to 1990.) The analysis of the population dynamics of bulls on the Commander Islands for recent years showed a stabilization in bull numbers on the commercial rookeries already occurring for the past 4 or 5 years, as expected according to a preliminary estimate (Table 2). This indicates that this method applied to the regulation of sealing is realistic, and that preliminary forecasts are acceptably accurate. In the near future, the process of optimization of the bull numbers will be continued on the Northern, Northwestern, and Southeastern rookeries.

The optimization, by the way, should concern not only quantitative, but also qualitative bull composition on the commercial rookeries. Our materials obtained on the Urylie rookery in 1978-1982 show that under normal conditions, a group of mature bulls is harmoniously balanced by age (Vladimirov and Lyskin, 1983). This grouping does not include the young bulls aged 7 years, which are not ready physiologically for active reproduction (Serebrennikov, 1982); due to this fact, the efficiency of their mating is apparently not too high. Furthermore, it is precisely due to this fact that the harem community of fur seals is organized under normal conditions such that the participation of bulls aged 7 years, which are not mature enough, is almost completely excluded. The creation of the balanced age structure of adult males simultaneous with the optimization of their number is the main goal of the management program on the Commander Islands.

Finally, it is also necessary to touch on the problem of assessment of the total number of the Commander fur seal population. A.E. Kuzin estimated in 1982, based on the comparison of the harvests of the Pribilof and Commander Islands in the 19th century, that the total number of fur seals was as high as 500-700,000 on the Commander Islands at the time of their discovery, in the middle 18th century. A retrospective analysis of the volume of harvest on the Commander Islands made simultaneously by me for the period 1880-1890 (when the population reached its highest level known to us) shows that the total number could have reached 800-850,000 during that period, and the initial (pre-harvesting) stock was evidently 15-20% higher, or about 1 million animals. Thus, the assessment of the stock at 800-850,000 should apparently be considered as the maximum figure for the exploited population of the Commander Islands. This is contrary to the opinion of N.A. Voloshinov (1886) and N.A. Grebnitsky (1882), who in the 1880's assessed the fur seals number on the Islands to be as high as 1.3 and 2 million respectively. Accordingly, while planning restoration measures for the Commander population one should evidently proceed from the highest level of about 800-850,000 seals. However, it is difficult to conclude yet if the modern feeding base can ensure the existence of this number of fur seals within the area of the Islands and their wintering areas. Specific investigations and estimates are needed to obtain an accurate understanding of this problem.

UPDATE ON RECENT GOVERNMENT PAYMENTS TO THE 750 ALEUTS OF THE PRIBILOF ISLANDS

Alaska Native Claims Settlement Act	1973	$ 5 million
Indian Claims Commission settlement	1979	$ 8.5 million
Health and Human Services	1979-84	$ 7.2 million
Housing and Urban Development	1979-84	$ 1.1 million
Interior	1979-84	$10.4 million
Labor	1979-84	$ 2.3 million
Transportation	1979-84	$ 1.2 million
Fur Seal Act of 1983	1983	$20 million
St. Paul State Preliminary Engineering and Harbor Design	1982-3	$ 1 million
Alaska harbor appropriations	1983	$15.1 million
St. Paul state harbor appropriations	1984	$16 million
St. George state harbor funding	1984	$14 million
Interior bird cliff sale	1983-4	$ 5.2 million
Commerce Pribilof Islands Program	1973-84	$46.4 million
Commerce '84 Supplemental addition	1984	$ 2.3 million
Commerce St. Paul dock funding	1984	$ 2.5 million
TOTAL		$ 158.7 million
Portion received '82-'84		$ 104.5 million

Does not include:
Coast Guard airport maintenance
Coast Guard Loren station
Preliminary Draft Transportation Study
Final Harbor Feasibility Report, Corps of Engineers

TOTAL FEDERAL FUNDS SINCE 1979 (minimum) $ 81.5 million

The island economies have separate income from fishing, tourism, penis bone sales, and crab bait. Fur seal killing and processing is projected to bring in $245,000 out of the projected annual $5 million earned income. Each Aleut receives a full year's credit for civil service for working one day each year on fur seals. All medical and hospitalization is covered under the Federal Public Health Service. The island of St. George does not plan on any income from the fur seal harvest.

AMERICAN FUR INDUSTRY
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Statement in Support of Treaty Document 99-5

"THE PROTOCOL AMENDING THE NORTH PACIFIC FUR SEALS CONVENTION"

Submitted to

FOREIGN RELATIONS COMMITTEE

of the

UNITED STATES SENATE

by

JOSEPH E. POSER
Vice President, American Fur Industry, Inc.
President, American Fur Merchants Association
President, International Fur Trade Federation

June 13, 1985

Washington, D.C.

TESTIMONY GIVEN IN SUPPORT OF THE PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS, JUNE 13, 1985

I AM JOSEPH POSER AND I AM A VICE PRESIDENT OF THE AMERICAN FUR INDUSTRY. I AM ALSO PRESIDENT OF THE INTERNATIONAL FUR TRADE FEDERATION AND OF THE AMERICAN FUR MERCHANTS ASSOCIATION.

I WILL BE BRIEF, MR. CHAIRMAN, BECAUSE I AM SURE THAT THE COMMITTEE IS IN POSSESSION OF ALL THE PERTINENT INFORMATION. HOWEVER, THERE ARE A FEW POINTS WHICH, I THINK,SHOULD BE EMPHASIZED OR CLARIFIED.

FIRST - THE ANNUAL MEETING OF THE NORTH PACIFIC FUR SEAL COMMISSION WHICH TOOK PLACE IN TOKYO IN APRIL, REAFFIRMED ITS FINDINGS THAT THE CURRENT COMMERCIAL HARVEST IS NOT THE CAUSE OF THE CURRENT POPULATION DECLINE.

SECOND - THE INTERIM CONVENTION IS THE ONLY VEHICLE FOR INTERNATIONAL RESEARCH, MANAGEMENT AND CONSERVATION OF THE NORTH PACIFIC FUR SEAL STOCKS. IF IT IS ALLOWED TO LAPSE, THE ALEUT COMMUNITY WOULD STILL BE ALLOWED TO TAKE 10-1500 SEALS ANNUALLY FOR SUBSISTENCE PURPOSES BUT THEY WOULD NOT BE TAKEN UNDER THE STRICT SUPERVISION WHICH HAS PERTAINED HERETOFORE.

THIRD - NOTHING IN THE CONVENTION PRECLUDES THE CESSATION OF THE HARVEST IF SCIENTIFIC EVIDENCE SHOULD INDICATE THAT THE DECLINE OF THE FUR SEAL POPULATION IS ATTRIBUTABLE TO THE HARVEST.

AT THE APRIL MEETING THE COMMISSION'S SCIENTIFIC COMMITTEE CONCLUDED THAT THERE ARE NO BIOLOGICAL GROUNDS FOR CHANGING THE HARVEST LEVELS OF SURPLUS MALE FUR SEALS AND THAT THE HARVEST HAS NO EFFECT ON THE CURRENT DECLINE OF THE FUR SEAL HERD. IN FACT, THERE IS EVIDENCE THAT DISCONTINUING THE HARVEST MIGHT IMPEDE RECOVERY TO PREVIOUS, HIGHER POPULATION LEVELS. THE DECLINE IN NUMBERS IS PROBABLY DUE IN LARGE PART TO ENTANGLEMENT IN DISCARDED FISHING DEBRIS, A PROBLEM WHICH CAN BE SOLVED ONLY BY STRICT ENFORCEMENT AND EVENTUALLY BY THE DISINTEGRATION OF EXISTING DEBRIS. JOINTLY CONDUCTED RESEARCH OFFERS THE GREATEST POSSIBILITY OF IDENTIFYING THE CAUSE OR CAUSES OF THE DECLINE.

FOURTH - THE SEAL HARVEST IS AN ESSENTIAL PART OF THE ALEUTS' ECONOMY. A FISHERIES INDUSTRY IS BEING DEVELOPED, BUT THEY WILL REMAIN DEPENDENT ON SEALS FOR SOME TIME. WE ARE ALL CONCERNED ABOUT WILDLIFE BUT LET US KEEP A PROPER PERSPECTIVE AND REMEMBER THAT PEOPLE ARE MORE IMPORTANT THAN ANIMALS.

THE INTERIM CONVENTION EFFECTIVELY PREVENTS PELAGIC SEALING, THAT INDISCRIMINATE TAKING OF SEALS AT SEA, WHICH BROUGHT THE FUR SEAL CLOSE TO ENDANGERED STATUS PRIOR TO 1911. THE PRESENCE OF A JAPANESE PELAGIC SEALING GROUP ON JAPAN'S DELEGATION AT THE TOKYO MEETING, IS WARNING ENOUGH THAT THIS PRACTICE WOULD BE REVIVED WITHOUT THE RESTRAINT THE CONVENTION PROVIDES.

WHILE WE SUPPORT THE COMMISSION AND ITS SCIENTIFIC COMMITTEE IN ALMOST EVERY RESPECT, WE ARE CONCERNED ABOUT THEIR POSITION ON ONE POINT. THE REPORT STATES THAT IF IT IS UNECONOMICAL TO HARVEST THE RECOMMENDED 22,000 ANIMALS THIS YEAR, THE U.S. WOULD CONSIDER A REDUCED HARVEST. HAVING BASED ITS RECOMMENDATIONS ON SCIENTIFIC GROUNDS, IT WAS DISAPPOINTING TO FIND THE COMMITTEE MODIFYING ITS POSITION AS A RESULT OF MARKET CONSIDERATIONS.

DURING THE LAST FEW YEARS VARIOUS ORGANIZATIONS HAVE DONE GREAT HARM TO THE ALEUTS AND TO THE MARKETS IN WHICH SEALS HAVE TRADITIONALLY BEEN SOLD. BASING THEIR CAMPAIGNS ON THE CLAIM THAT THE SEAL HARVEST IS CRUEL, THEY HAVE PERSUADED AN URBAN PUBLIC UNFAMILIAR WITH WILDLIFE THAT SOMETHING WRONG IS BEING DONE. EVEN MEMBERS OF THE SENATE HAVE USED THE PHRASE "SEAL SLAUGHTER," SHOWING THAT THEY, TOO, HAVE BEEN

AFFECTED BY THE TERMINOLOGY OF THOSE WHO SEE THIS QUESTION FROM ONLY ONE SIDE. IN FACT, THE METHOD OF KILLING IS CONSIDERED BY BIOLOGISTS AND HUMANE ASSOCIATIONS TO BE THE MOST HUMANE METHOD KNOWN FOR SEALS. DEATH IS VIRTUALLY INSTANTANEOUS AND THE DEGREE OF STRESS SUFFERED IS THOUGHT TO BE LOWER THAN IN SLAUGHTERHOUSES WHERE MEAT IS PREPARED FOR THOSE OF US WHO CONSIDER OURSELVES CIVILIZED.

I APOLOGIZE FOR INTRODUCING THIS SUBJECT WHICH DOES NOT DIRECTLY CONCERN US HERE TODAY, BUT IT INTRUDES BECAUSE IT HAS INDIRECTLY AFFECTED THE POLICY OF THE COMMISSION.

IF THE CONVENTION IS RENEWED, THE INTERNATIONAL FUR TRADE FEDERATION WILL DO ALL IN ITS POWER TO WIN MARKET ACCEPTANCE ONCE AGAIN FOR THIS FINE PRODUCT, AND NO COMPROMISE WITH A SCIENTIFICALLY BASED POLICY WILL BE NECESSARY.

WE URGE RATIFICATION OF THE 1984 PROTOCOL EXTENDING THE INTERIM CONVENTION FOR FOUR YEARS, AS RECOMMENDED BY THE DEPARTMENT OF STATE AND THE DEPARTMENT OF COMMERCE.

THANK YOU.

MR CHAIRMAN:

My name is Stephen S. Boynton, Washington Counsel for the American Fur Resources Institute(AFRI). I also represent The Fouke Company of Greenville, South Carolina who has for over seventy years processed the fur seal pelts harvested under the wildlife management program of the four Party nation treaty. I sincerely appreciate the opportunity appear before the Senate Committee of Foreign Relations to present testimony on the important question of ratification of a new Interim Convention on the Conservation of the North Pacific Fur Seal.

First of all, Mr. Chairman, the American Fur Resources Institute is a non-profit organization representing trappers, rural fur buyers, and other entities involved with the fur industry in the United States and Canada. AFRI strongly supports the management of fur bearer renewable resources through professional and scientific means and firmly believes that we cannot afford to have laws, regulations nor treaty obligations be considered on the management of wildlife short of such circumspection. Consequently, we believe that the North Pacific Fur Seal Treaty, and its successor, the Interim Convention on the Conservation of the North Pacific Fur Seals, has clearly been one of the most successful international programs of scientific wildlife management the world has witnessed. For over seventy-five (75) years, minus the World War II period, this Convention has insured the stability of the fur seal populations through scientific research, study and reasoned regulation. We feel that a continuation of this Convention is a must for the benefit of the ecosystem, the fur seal and man.

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STATEMENT

OF THE

AMERICAN FUR RESOURCES INSTITUTE

BEFORE THE SENATE

COMMITTEE ON FOREIGN RELATIONS

IN CONSIDERATION OF THE RATIFICATION OF THE

INTERIM CONVENTION ON THE CONSERVATION OF THE NORTH PACIFIC FUR SEAL

JUNE 13, 1985

Stephen S. Boynton,
Washington Counsel

I have had the personal pleasure of being a member of U.S. Delegations on matters related to this treaty which has been a rewarding and gratifying experience for several reasons. In witnessing the deliberations of the Delegates from the signatory nations of Japan, U.S.S.R., Canada and the United States, it is most refreshing to note that the sole and exclusive factors considered are the means, method and manner in which the welfare of the renewable resource can be maintained and enhanced for the benefit of the herd and man. The emtionalism and rethoric of the well intentioned, but misguided, wildlife protectionist community should not, and does not, influence these professional wildlife managers in their deliberations. Unfortunately, this standard is not always observed in other international treaties regarding wildlfe; particularly, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Having just recently returned from the Fifth Meeting of the Parties of this eighty-eight (88) member nation treaty, I can attest to the disruptive and inappropriate influence the wildlife protectionist community has had on the appropriate management of wildlife through trade policy. I sincerely trust the United States Senate will not succumb to such pressure, emotion and hollow reasoning as it relates to the future management of the North Pacific Fur Seal.

In order to properly consider the current posture of the fur seal herd, the management and its relationship with man, it is appropriate to review its history.

In search of additional fur seal hunting grounds, Russian explorers discovered the uninhabited Pribilof Islands in 1786. Aleuts were brought from neighboring islands to the Pribilof Islands as slaves in order to conduct the fur seal hunts. When the United States purchased Alaska in 1867, it assumed the responsibility of the fur seal populations. Although imprecise, the estimates of the herd population were between two and three million animals. From 1868 to 1910, the seal harvests on the Pribilofs were limited and sealing rights were leased. Although pelagic sealing--harvests from ships at sea--was banned, the enforcement was difficult and almost non-existent. It is estimated that between 1889 and 1909 almost one million seals were taken pelagically but many more were fatally wounded and not recovered. The fur seal population was estimated to have declined to one quarter of a million. It became obvious that the North Pacific Fur Seal resource could be restored only through international agreement.

In 1911, the United States obtained a sealing agreement between those nations bordering on the Bering Sea : Great Btitian for Canada, Japan, U.S.S.R. and the United States. All nations agreed to ban pelagic sealing and to establish controlled harvests on the rookery islands which are Russia's Commander Islands on the western edge of the Bering Sea and the Pribilof Islands on the eastern edge. In 1912 Congress prohibited all commercial sealing on the Pribilofs. This ban was replaced by a quota system in 1916.

By the late 1930's, the fur seal populations had become so abundant that Japan was greatly concerned about their impact on their fishing industry. Twice during this period, in 1926 and 1936, the Japanese government attempted to renegotiate the Fur Seal Treaty of 1911 because of the alleged damage to its fishing industry by the increasing seal populations. Finally, in 1941 Japan abrogated the treaty and offered to negotiate a new agreement only if it included a planned reduction of the herd population which was then estimated to be over two million animals. Significantly, Japan resumed peligic sealing in the western Pacific in order to reduce the seal populations and, thereby, protect its fishing industry.

In 1957, the Interim Convention on the Conservation of the North Pacific Fur Seals was adopted by the governments of Japan, Canada, U.S.S.R and the United States. The basic tenet of the Convention is to increase the herd to a level of "maximum sustainable productivity" with due regard given to the relation of fur seal numbers to the abundance of other marine resources. Pelagic sealing was banned by the Parties.

In 1985, the fur seal population is estimated at 1.2 million animals. It is a fact that the herd is experiencing a decline in numbers but it is to be understood that this decline is not related to the harvests. The harvests are directed only to surplus bachlor males. At the recent meeting of the Fur Seal

Commission, it was concluded that there was no scientific or biological reason to alter the present policy as it has no effect on the current decline of the populations. This circumstance actually reenforces the reason for continued treaty commitments: jointly conducted research and cooperation by the Parties provides the only vehicle and best means of identifying a cause of the decline and methods of halting and reversing the trend. It is to be noted that a moritorium of harvests on St. George Island has had absolutely no impact on the decline. Maintenance of international management, research and regulated conservation measures are the best and most appropriate elements to deal with the current and future problems of population dynamics. It is also to be noted that the North Pacific Fur Seal is not considered endangered nor threatened under the guidelines of the Endangered Species Act nor the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Finally, under the Convention cessation of harvests can take place if the scientific evidence indicates that it is necessary.

The greatest danger to declining populations would be the resumption of pelagic sealing which does not differentiate between male and female seals. Domestic regulation would not avoid the possibility of this coming to pass as the northern fur seal spends a portion of its life outside the jurisdiction of the United States. The taking of pregnant females would have a disasterous impact on the herd populations.

This possibility is not an unrealistic concern as the Japanese government has indicated.

There has been considerable discussion that the fur seal pelts resulting from the annual harvests are not selling in world fur markets and, further, that there are large inventories of processesed pelts that cannot be sold. This is untrue. In fact, there is more demand for the Fouke processed fur seal then there is supply.

The conservation by-product of pelts resulting from the management of the fur seal herd has been of material benefit to man, and, particularly Americans, with no adverse impact upon fur seal populations. The Fouke process of seal pelts is a secret one and has never been duplicated. Demand has varied due to fashion, economics and harvest quality but the demand has never been absent. Since Fouke began processing these pelts over $100,000,000 has be returned to the U.S. Treasury-ten times the amount the United States paid for Alaska. In addition, American jobs have been provided. Since most of the pelts and finished garments are exported, the United States enjoys a favorable balance of payments in the enterprise.

In 1983, Congress turned over the harvest management to the Aleuts. As an economic incentive, title to the previous year's harvest is given to the native corporation. Under contract, the Fouke Company purchases the pelts form the corporation in the raw state and agrees to process a given number of skins per month. The native corporation, Tanagusix, has agreed with the United States government to undertake the 1985 harvest. Upon conclusion of that agreement, they will obtain title to the skins taken in 1984. Fouke will then enter into a contract to again purchase the skins in a raw state and process them on an agreed schedule. The Fouke Company through a direct marketing program sells the processed pelts in world markets. This arrangement has obvious economic benefit for employment of the Aleuts and Fouke personel, the U.S. taxpayer as the native corporation pays for the cost of the harvest, employment for those who fabricate garments in the United States and creates a favorable balance of payments when pelts and garments are exported. Again, since only subadult bachelor males are harvested,there is no impact on the herd population dynamics.

Mr. Chairman, at this point in the record, I would like to insert a letter dated May 31, 1985 from Thomas P. Barnshock, President of The Fouke Company to the Department of Commerce concerning the issue of sales.

THE FOUKE COMPANY
FOUKE
6100 WHITE HORSE ROAD
GREENVILLE, S.C.
29611

May 31, 1985

Mr. Tim Keeney
U.S. Department of Commerce
N.O.A.A.
Office of General Counsel
Room 5814
14th and Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Mr. Keeney:

We have been talking to TDX Corporation regarding the contract on the 1984 skins and are making some progress. While chatting with them, I have read with interest that some groups feel that the Alaska Fur Seal is dead as a fashion item - - it's a time gone by, or going nowhere, etc.

Since we have not talked in a while, I thought I might "set the record straight" and at the same time, bring you up to date.

Currently we are selling the skins for an average price of 25% above the 1984 selling price.

Our sales this year are going briskly. In fact, so much so that we are nearly "sold out", and are currently turning customers away, even with a price increase of 14% three months ago. This is a significant advance over a few years ago, as you know.

In reference to low selling prices. A few years ago, we were unable to obtain a reasonable selling price primary due to the quality of the skins. It has been determined that someone trying to save dollars at harvest time purchased the wrong salt for the harvest - - we had a terrible time with these skins and consequently the damaging at the Islands and in processing resulted in a lower grade skin, thereby, worth considerably less value in all cases.

The market as we see it today is rosy and we are excited. The 1984 harvest of 22,000 skins should have a market value of approximately 1.7 mm, and the market place of which the majority is export is getting stronger. In fact, because of the exchange rate and duty some of our customers must pay, a $75.00 skin becomes a $103.00 skin landed in their shop, and we still have strong demand from these areas.

The majority of our skins are marketed in North America with the remaining in Europe and Asia.

Due to our Direct Marketing approach, our past media plan, and an increase in selling price, we profit, and the market is asking for more skins than we can acquire. We see this trend continuing for the next two years.

Sincerely,

THE FOUKE COMPANY

T. P. Barnshock
President

TPB/mc

Another point that has always been raised is the method of taking the fur seal. The method employed is the "stun and stick" procedure where the seal is rendered unconscious instantaneously by a blow to the head with a specially designed club. Immediately the great heart muscle severed insuring death if the blow to the head has not already done so. Although alternative methods have been independently and intensively studied, the humaneness of this method has been established. From 1968 to 1972, the United States commissioned three independent studies to determine the most humane method for dispatching fur seals. Representatives from the Humane Society of the United States, the American Academy of Sciences, the Department of Agriculture --- Livestock Slaughter Division; the Bureau of Sport Fisheries and Wildlife, the Bureau of Commercial Fisheries, the Virginia Mason Research Center, the American Veterinary Medical Association's Council on Research and the Batelle Columbus Laboratories participated. The researchers found that no other method was as humane as the traditional "stun and stick" method. Further, when a Federal Court reviewed this method, it found that it met the definition of humaneness under the Marine Mammal Protection Act: the least degree of pain and suffering practicable. 16 USC §1362(4); Animal Welfare Institute v. Kreps, 183 U.S.App.D.C. 109, 561 F.2d 1002 (DDC 1977), cert. den. 434 U.S. 1013 (1978). In addition, the National Marine Fisheries Service provides for the services of an independent Humane Officer who is an impartial veterinarian knowledgeable in pathology and euthanasia to oversee the entire harvesting operation. It is submitted that the humaneness question should be put to rest based, again, on the professioal and scientific research and review. The Convention properly mandates the Parties to continually "seek to insure the use of those harvesting methods which spare the fur seals pain and suffering to the greatest extent possible."

In sum, Mr. Chairman, it is respectfully submitted that the United States should ratify the proposed Interim Convention. Only through a treaty which reflects international cooperation, research, reasoned regulation and management to achieve a balanced ecosystem can the needs of our fish and wildlife be appropriately balanced with the needs of man. The facts, or, if you will, the truth should guide deliberations on this important issue. I sincerely trust that this august Committee will not be guilty of avoiding the scientific observations, recommendations and conclusions; the economic realities and the obvious continued advantages of international commitment to the consevation of the fur seal renewable resource. Winston Churchill once observed that "[m]en occasionally stumble over the truth, but most of them pick themselves up and hurry off as if nothing had happened." Those who urge the defeat of Senate ratification would trust Mr. Churchill's observation to be accurate. The ecosystem, the fur seal and the citizens of the United States, Canada, U.S.S.R and Japan cannot afford for this to be the case.

Thank you.

FRANK H. MURKOWSKI
ALASKA

United States Senate
WASHINGTON, D.C. 20510

June 6, 1986

Mr. Hisao Azuma
Consellor
Embassy of Japan
2520 Massachusetts Avenue, N.W.
Washington, D.C. 20008

Dear Mr. Azuma:

As you know, the United States Senate will be considering the ratification of the Interim Convention on the Conservation of North Pacific Fur Seals in the near future.

In a letter sent to Secretary of State Shultz on April 2, 1985, from many United States Senators there was an inference made that the Government of Japan would not continue to prohibit pelagic sealing should the present convention expire.

However, through various officials of your country as well as of my own government, I have been told that just the oppositie is likely to occur.

I am interested in learning what is likely to happen without the treaty and what is the Government of Japan's policy towards pelagic sealing. Without the treaty, would the Government of Japan support retention of the domestic ban against pelagic sealing?

In addition, please comment on the current levels of interest in pelagic sealing in your country. Thank you for your time and assistance. With best wishes,

Sincerely,

Frank H. Murkowski
United States Senator

EMBASSY OF JAPAN
2520 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20008
(202) 234-2266

June 12, 1985

The Hon. Frank H. Murkowski
United States Senator
317 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Murkowski:

In reference to your letter of June 6, 1985 concerning Japan's position on pelagic sealing in relation to the Interim Convention on the Conservation of North Pacific Fur Seals, I am pleased to transmit to you the following response to your inquiry.

The Government of Japan, together with other concerned countries, has supported and will continue to support the rational conservation and management of marine living resources, including fur seals and other marine mammals, by competent international organizations. It further believes that a proper international management scheme will not only most effectively utilize such resources for the benefit of humankind, but will also contribute to the conservation of such resources. The Government of Japan therefore strongly supports the scheme of fur seal management as envisioned in the present Convention and has accepted, as Canada and USSR did, the 1984 Protocol to apply the Convention.

In this connection, the Government of Japan considers pelagic sealing to be a viable utilization of fur seal resources, provided that the Fur Seal Commission concludes, - based on the joint study by the four nations, - that pelagic sealing in conjunction with land sealing can be permitted in certain circumstances without adversely affecting achievement of the objectives of the Convention. However, since the Commission has not yet reached a conclusion, the Government of Japan maintains, in accordance with its domestic law, an interim prohibition on pelagic sealing by Japanese nationals, except for research purposes as recommended by the Scientific Committee established under the Convention. This policy will be maintained as long as the Convention remains in effect.

What might happen without the Convention can only be speculated. Since there is currently no commercial fur sealing industry in Japan, it may be that the termination of the Convention will not automatically lead to the resumption of Japanese pelagic sealing.

However, despite the prohibition, we have continued to observe groups within Japan who are interested in resuming pelagic commercial sealing. These groups have been represented, as observers, of past annual meetings of the Fur Seal Commission.

Additionally, there are also groups which insist on resuming pelagic sealing claiming that they have suffered great damage to their coastal fisheries by fur seals. Therefore, should the present Convention be terminated, we anticipate that these groups may request a resumption of pelagic sealing.

All in all, what is clear is that without the present Convention the Government of Japan would lose the most persuasive justification for the retention of its domestic ban on pelagic sealing, and the issue of pelagic sealing would be left entirely in the hands of the legislative brahcn.

We have always appreciated your support for the ratification of the 1984 Protocol of the Convention and we hope that the above response sufficiently answers your inquiry.

Yours sincerely,

Hisao Azuma
Counselor
(Agriculture, Forestry
and Fisheries)

HA:th

Aleuts Fear for Seal Kill as Senate Considers Treaty Renewal

By WALLACE TURNER
Special to The New York Times

ANCHORAGE, Alaska, June 3—The 750 Aleuts on the Pribilof Islands have their backs to the wall again as some animal rights organizations seem near victory in a campaign to block the killing of fur seals.

Senator Frank H. Murkowski, an Alaska Republican who supports the islanders, said at a news conference last week that he was not "totally confident" the Senate would approve renewal of the treaty that allows the annual kill on the Bering Sea islands.

He has set Foreign Relations Committee hearings on renewal of the treaty for June 13 in Washington. Canada, Japan and the Soviet Union have approved the renewal.

At an April meeting in Tokyo, the four nations' Northern Pacific Fur Seal Commission recommended that 22,000 sub-adult male fur seals, which are regarded by marine biologists as surplus in propagating the herd, be killed in a 19-day hunt to begin July 8.

Opponents of the sealing obtained the signatures of 44 senators on a letter to Secretary of State George P. Shultz in April that pledged votes against renewing the treaty. If the 44 stand firm, the treaty would be rejected, since it must have a two-thirds vote.

The Aleuts say that if the Senate rejects the treaty, or fails to vote in time, the Pribilof seal kill will not be held this year. "It would be politically untenable for us to move forward if we have no clear signal from the Senate," said Larry Merculieff, a spokesman for the small villages on St. Paul and St. George Islands, where the annual taking of pelts is a main source of income.

The treaty was first signed in 1957 and has been renewed four times since. International cooperation to manage the Pribilof herd began in 1912 when the fur seal was believed to be near extinction from hunting in the open sea.

The seal kill has been a target for years of such organizations as Friends of Animals, the International Fund for Animal Welfare, the Humane Society and Greenpeace.

Other wildlife-oriented organizations, however, including the National Audubon Society, National Wildlife Federation and Wildlife Legislative Fund of America, support the treaty renewal and defend the pelt-taking as a good conservation practice.

In the last decade the fur seal population in the Pribilof rookeries has shrunk by about 5 to 7 percent each year, to about 800,000, according to Dr. Howard Braham, director of the National Marine Mammal Laboratory at Seattle.

Critics of the treaty argue that the seal kill is one explanation for a decline in the Pribilof herd.

Lacking a firm explanation, scientists also suggest the decline may be related to changes in fish stocks, or an undetected disease, or entanglement in fish nets, which take the lives of huge numbers of sea birds and mammals.

Another Species Shrinking

Since 1973 no fur seals have been taken from the herd on St. George Island. But the St. George herd has declined at about the same rate as the St. Paul herd, where the hunting has gone on without interruption since the 1940's.

Another species in the Aleutians, the Steller's sea lion, has declined in population, from 60,000 in the late 1960's to 12,000 now. Like the fur seal, the sea lion is an opportunistic fish eater, consuming mostly pollock because that fish predominates in the southern Bering Sea. But unlike the fur seal, the sea lion is not hunted by man.

Dr. Braham said no settled reason explains the loss of fur seals and Steller's sea lions.

Some scientists have reported evidence that suggests, but does not prove, that a decline has occurred in the pollock population. But the hypothesis of a reduced food supply is countered by the heathy condition of surviving members of the herd.

Dr. Murray Hayes, chief of resource assessment at the National Marine Fisheries Service in Seattle, says there is also a large supply of Pacific cod, yellow fin sole, arrow tooth flounder, Greenland turbot and various flat fishes for the fur seal or sea lion to eat.

Saying that animal populations sometimes fluctuate inexplicably, Dr. Hayes suspects a variety of causes.

First Year in Full Control

The new assault on the fur treaty comes as the Aleuts have finished their first year in total control of the harvest, after the Reagan Administration removed direct Federal control.

The islanders took 22,000 pelts as contract agents of the United States last year, and received $30,000 for the hunt and for 30,000 pelts that had not been sold from the three previous years' harvest.

Mr. Merculieff says [illegible]0 families now live on St. Paul and St. George and the work force is 217. The harvest last year provided jobs for four weeks for 81 people. Without the seal kill, he says, unemployment this summer will be 60 percent.

The State of Alaska has put about $20 million into building a fishing boat harbor at St. Paul, and the Economic Development Administration has advanced $[illegible] million for a dock.

The Aleuts also have a $20 million trust fund that the Federal Government provided to help their transition from wardship to a competitive society.

The Aleuts were settled on the Pribilofs in 1787, forcibly, by the Russians, who ran the seal hunt until 1867, when the United States bought Alaska.

Then, until 1966, Federal agents ran the islands like a plantation, controlling who could come and go. But Federal law curtailed their control after the overseers barred a a visit by a candidate for the Alaska Legislature.

New York Times, June 9, 1983, p. A26.

Audubon supports fur seal harvest treaty for Pribilofs

By HAL SPENCER
The Associated Press

Renewal of a four-nation treaty permitting controlled killing of North Pacific fur seals has won the support of the National Audubon Society despite heavy opposition from animal protection groups and some U.S. senators, a spokesman said Friday.

The society, along with other supporters of the treaty, says that without it, the Aleuts of Alaska's Pribilof Islands could conduct indiscriminate seal harvests, including slaughter of females, pups and breeding males.

Dave Cline, regional vice-president of the society in Anchorage, said Audubon, at its spring meeting in Seattle last week, decided to support renewal of the treaty over strong objection from animal protectionists.

"What it comes down to is the bopping issue. They're just so offended by the harvest," Cline said, referring to the use of clubs to kill the seals.

The treaty permits an annual harvest of thousands of sub-adult males at St. Paul Island in the Pribilofs. That facet of the pact has drawn increasing fire from Washington. Forty-four senators recently pledged to block moves to renew the treaty later this year, calling the harvest "repugnant to most Americans."

Also opposed to renewal are the Humane Society of the United States, Greenpeace International and other animal protection groups. All are engaged in heavy congressional lobbying against renewal.

The treaty, signed in 1957, is between the United States, the Soviet Union, Canada and Japan. Under its terms, the U.S. and the Soviet Union are permitted to harvest a set number of fur seals under controlled conditions, while Canada and Japan are given a percentage of the furs from the harvest.

The treaty bans the killing of any but immature, non-breeding males and bars killing on the high seas. The U.S. harvest is conducted each summer by the 700 Aleuts living on St. Paul Island, a speck of land in the Bering Sea about 750 miles southwest of Anchorage.

"We cannot justify the expenditure of taxpayer money for the killing of seals," the senators wrote in a March 28 letter to Secretary of State George Shultz. "The use of taxpayer money to subsidize the killing of seals is not an appropriate function of the federal government," they wrote.

But the Audubon Society, one of the country's oldest and most respected conservation groups, supports the treaty as a way to protect the fur seal herds of the North Pacific, estimated at more than 1.2 million.

In a resolution, the society said the "Interim Convention for the Conservation of North Pacific Fur Seal," which is up for renewal this year, "has a solid record of achievement in international wildlife conservation."

Audubon also said scientific research performed on fur seals in connection with the treaty "is recognized by the scientific and conservation communities as some of the most outstanding ever designed and carried out on wildlife populations."

Audubon also took issue with a principal argument against continuing the treaty. "We are unaware of any scientific evidence to indicate that current levels of commercial harvest of sub-adult male fur seals is contributing to the population declines," the society said.

The society said, "Over the past decade, fur seals, sea lions and several species of seabirds on the Pribilof Islands have been declining. Entanglement in fishing nets, and increased natural mortality due to competition with commercial high seas fisheries, disease, predation, fluctuating food supplies and other biological fators are suspected to be contributing to the declines."

The society said it also was concerned that animal protectionists, encouraged by a successful effort to block renewal of the fur seal treaty, might attack other international wildlife conservation pacts.

The Aleuts have been sealing on the Pribilofs since the 1770s, first as slaves of the Russian Empire and then for the United States after it purchased Alaska from Russia in 1867.

Until last year, the federal Commerce Department ran the seal harvest and the Pribilof islanders performed the work as wards of the government.

Supporters argue for fur seal treaty

Environmentalists, Natives, Reagan officials join forces to convince senators

By LYNN PEEBLES
Daily News correspondent

WASHINGTON — Representatives from national wildlife groups, Alaska's St. Paul Island and the Reagan administration joined forces Monday to argue for the continuation of the four-nation North Pacific fur seal treaty.

The forum was a Senate staff briefing organized by Alaska Republican Frank Murkowski, who hopes to change the minds of some of the 44 senators who have said they oppose renewal of the treaty.

The administration supports the extension of the treaty, but ratification hinges upon a two-thirds affirmative vote of the Senate, or 67 members.

The treaty establishes an international management and research program and provides for the annual commercial seal harvest on St. Paul Island by Aleut residents. The treaty between the United States, Soviet Union, Canada and Japan expired last fall.

Opposition to the treaty has centered around the hunt on St. Paul. Foes such as the Humane Society, Greenpeace and the International Fund for Animal Welfare claim the harvest is brutal, unprofitable and is a factor in the 4 percent to 8 percent annual decline in the seal herd population.

"I urge you to look past the emotional associations with that issue," John Leap of the National Audubon Society told the staff aides at the briefing. "The harvest is sound from a wildlife management perspective."

This year's harvest is slated to start around July 8.

Allan Wentz of the National Wildlife Federation also strongly endorsed the treaty. Supporters hope the public backing of large, respected wildlife groups will make it easier for lawmakers with powerful environmental constituencies to vote for the treaty.

Ray Arnaudo, a State Department fisheries officer, released a letter from Secretary of State George Shultz designed to soften up the 44 senators who wrote him in March to oppose the treaty.

Shultz said the treaty is the only vehicle for research and protection of the fur seal. He said no federal funds are used in the harvest and warned that abandoning the treaty would not bring an end to subsistence killing of seals.

Tony Smith, an Anchorage attorney for Tanadgusix Corporation, the Native corporation on St. Paul, said the subsistence needs of the Native residents are "real. This is not a bogus issue. They have lived on and eaten seal meat for generations."

Smith cited a University of Alaska study which estimates the subsistence needs on the island at 15,000 to 18,000 seals a year.

"Traditional ways of life on the island have revolved around the harvest. The people see their whole traditional lifestyle threatened," he said.

The islanders are moving toward an economy based on fishing, but the transition from federal administration to economic self-sufficiency is not complete, Smith said. The Aleuts still must rely on income from the sale of pelts and the use of seal meat to supplement their diets.

"It's the wrong time to have the U.S. Congress ... cut off the economic basis of the island," he said.

Smith expressed some uncertainty [illegible] as planned in July. If the Senate does not ratify the treaty by that time, Smith said, the Natives may go ahead with a subsistence hunt or obtain State Department approval to conduct a full harvest in the absence of a treaty.

Tim Keeney, general counsel for the National Oceanic and Atmospheric Administration, said the treaty is needed to prevent seal hunting on the open seas, which nearly decimated the species earlier in this century.

Confirming this view, Ichiro Nomura, first secretary of the embassy of Japan, said the Japanese Diet (legislature) "will likely support the resumption of pelagic (high sea) sealing if the U.S. Congress votes down the treaty."

Nomura said Japanese domestic laws against high seas sealing will be impossible to enforce without the treaty.

U.S. Fur Seal Commissioner Carmen Blondin has met individually with Senate opponents of the treaty and has found some members to be open to his arguments. However, he added, "One can only conclude with the letter (to [illegible]

Fur seals' future hinges on Senate vote

by David Ramseur
Times Washington Bureau

Washington — Failure by the U.S. Senate to ratify a treaty regulating North Pacific fur seals could lead to high seas killing of thousands of the seals by Japan, a Japanese embassy official said today.

Embassy First Secretary Ichiro Nomura said the Japanese government will have little reason or power to enforce a ban on high seas sealing if the controversial treaty is not approved.

Nomura's comments came during a briefing by a panel of 15 conservationists, federal officials and representatives of two foreign governments on the fur seal treaty.

The briefing was organized by Alaska Sen. Frank Murkowski who is trying to head off what appears to be certain defeat of the treaty in the Senate.

Forty-four senators, 10 more than are needed to defeat it, have already signed a letter expressing their opposition to the treaty.

The four-country treaty regulates the annual harvest of about 22,000 fur seals on St. Paul Island in the Pribilofs. It also mandates scientific research on the seals, whose population has been declining 5 to 8 percent annually.

Opponents say the federally subsidized harvest makes little sense at a time when the seal pelts are not being sold and as the population declines.

But a chorus of proponents said today the treaty is needed to preserve the fur seals.

They said it permits research to continue and protects the seals which could be victims of high seas killing without it.

"Without the treaty you are not bringing the so-called slaughter to an end," said David Slade of the federal National Advisory Committee on Oceans and Atmosphere.

Nomura said Japanese domestic laws against high seas sealing will be impossible to enforce without the treaty.

Others said the clubbing to death of the sub-adult bachelor male seals actually may help the population because those animals kill seal pups. They also said high seas sealing will endanger pregnant females who are currently protected.

Tony Smith, an Anchorage attorney for St. Paul's Tanadgusix Corp., said the controversy over the treaty has developed into an emotional media issue which should be resolved by scientific evidence.

He urged continuation of the treaty because it permits St. Paul residents to continue their subsistence use of the seals and provides a key element in their economy.

This year's harvest is scheduled to start around July 8.

Murkowski has promised to hold hearings on the issue this month but is trying to drum up more support among his colleagues before doing so.

Others appearing at today's briefing for Senate staffers included: fur seal Commissioner Carmen Blondin, Ray Arnaudo of the State Department, Canadian embassy official Ray Boomgaardt, Tim Keeney of the National Oceanic and Atmospheric Administration, Jim Leap of the National Audubon Society, Steve Boynton of the American Fur Resources Institute, Buff Bohlen of the World Wildlife Fund, Jack Berryman of the International Association of Fish and Game Agencies, Carol Porter of the Wildlife Legislative Fund of America, Allen Wentz of the National Wildlife Federation, Tom Franklin of the Wildlife Society and Dan Poole of the Wildlife Management Institute.

Fur seal treaty

IMPORTANT and influential conservation and wildlife organizations are supporting renewal of the International Fur Seal Convention, a four-nation treaty that is crucial to the continued successful management and preservation of the North Pacific fur seals.

Unfortunately, some other organizations are not supporting renewal of the treaty this year and one of them, Greenpeace, is actively opposing it. Greenpeace's views are articulated today in a Letter to the Editor from the organization's Alaska field representative. It is printed on the page opposite.

We are happy to be a forum for views that differ from ours and that is one of the purposes of the more than eleven hundred letters we publish each year. We call our readers' attention to the letter from Cindy Lowry, speaking for Greenpeace on the fur seal treaty issue.

At the same time, we take issue with her conclusions. The truth is, we fear, that failure to renew the treaty will signal the death knell for the fur seals.

SINCE 1911, when the treaty was first adopted, the annual kill of fur seals has been controlled and biologically managed to preserve and increase the herds. The Soviet Union, Japan, Canada and the United States are parties to the treaty which, in its most crucial aspect, bars high seas harvesting of fur seals.

The harvest that is allowed takes place each July in the Pribilof Islands, with only non-breeding bachelor males taken from the herd. The seal meat goes to the natives of the Pribilofs and the pelts are shared by the signatory nations.

Scientists generally agree that the taking of the bachelor males has no impact on the herd and in no way has an adverse affect on preservation of the species.

But without the treaty, the harvest would be something else entirely.

THE NATIVES of the Pribilofs still would be able to conduct their annual harvest, based on subsistence rights. What numbers would constitute subsistence? That's unknown, but 22,000 seals were taken in last year's harvest and presumably the same number could be taken in the future.

High-seas harveting almost certainly would begin by Soviet and Japanese fleets.

According to Sen. Frank Murkowski, who is leading the battle in the U.S. Senate to have the treaty's protocol renewed, the Japanese Diet already has given its fleets the go-ahead to conduct so-called pelagic harvesting. In other words, uncontrolled high-seas sealing again would be the order of the day and the ultimate result almost surely would be the extinction of the fur seals.

Unfortunately, the Sierra Club, which in the past has supported renewal of the treaty, is remaining silent on the subject this year. Its silence gives weight to those Eastern do-gooders in the U.S. Senate who have seized this as yet another environmental issue to champion, without regard to the true consequences.

Greenpeace is blind to the facts. Failure to renew the treaty would be an environmental tragedy.

National Audubon Society
950 THIRD AVENUE NEW YORK, N.Y. 10022 (212) 832-3200 CABLE NATAUDUBON

May 20, 1985

The Honorable Richard G. Lugar, Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is to advise you that the National Audubon Society strongly supports ratification of the Interim Convention for the Conservation of North Pacific Fur Seals by the Senate. As one of the oldest and largest wildlife conservation organizations in the country, Audubon is taking this position after careful review of the best available scientific information on the issue.

The so-called Fur Seal Treaty has a solid record of achievement in international wildlife conservation since its adoption in 1911. Research and management activities performed on fur seals in connection with the treaty are recognized by the scientific community as some of the most outstanding ever designed and carried out on wildlife populations.

Scientists with the National Marine Fisheries Service estimate that the population of fur seals on the Pribilof Islands prior to the exploitation by western man stood at approximately 2.0 to 2.5 million. By 1912, they had been reduced to an estimated 300,000 primarily due to indiscriminate slaughter on the high seas. But with the adoption of the Fur Seal Treaty by Canada, Japan, the Soviet Union, and the United States in 1911, the population was restored. Today, the total population of North Pacific fur seals is estimated at 1.2 million, with 819,000 of these inhabiting the Pribilof Islands in the Bering Sea.

Over the past decade, scientific evidence indicates that fur seals, sea lions and several species of marine birds on the Pribilof Islands have been declining in number. The average annual rate of decline for fur seals has been about 6 percent. Increased natural mortality due to entanglement in commercial fishing nets on the high seas, disease, predation, fluctuating food supplies, and other biological factors are suspected to be contributing to the decline. We are unaware of any evidence, however, that indicates the current level of harvest of subadult male fur seals is a significant factor.

Improved international cooperation in research, education, management, and law enforcement will be vital to dealing effectively with current and future threats to the fur seals. Audubon recommends, therefore, that ratification of the Interim Convention be contingent on adoption of scientific management principles that insure that the problems confronting the fur seal population will be resolved in a timely manner.

AMERICANS COMMITTED TO CONSERVATION

Should new scientific evidence indicate that harvests by humans are indeed contributing to the decline of the fur seal population, then Audubon will support reducing or eliminating the harvests, depending on what the biological facts dictate.

Audubon also recognizes the importance of providing continued opportunity for nonwasteful uses of fur seals by residents of the Pribilof Islands. The Aleut people deem such uses essential to their physical, economic, traditional and cultural existence. The Aleuts have been among the best protectors of the seals and their habitats over the years, and have conducted their annual seal harvest consistent with scientific principles.

With fur seals threatened by intensifying commercial fishing activities and oil and gas leasing in the Bering Sea, it is more important than ever before to retain the treaty as a mechanism for promoting international cooperation in conservation of the species.

Failure to ratify the Interim Convention, on the other hand, would be disincentive for such cooperation. This, in turn, could endanger the seals with indiscriminate and unregulated killing similar to that taking place with Pacific walrus and polar bear. Furthermore, it would bring into question the credibility of the United States in terms of long standing commitments to the conservation of migratory wildlife.

Please include this letter in the hearing record on the Interim Convention along with the attached resolution. The resolution was passed by our national board of directors at the spring meeting in Seattle, Washington on April 29, 1985. It is significant to note that a number of the most prominent wildlife scientists in North America, along with former Governor of Alaska Jay S. Hammond, were among the board members who helped develop the resolution.

Your consideration of these recommendations is greatly appreciated. I am convinced that passage of the Interim Convention for the Conservation of North Pacific Fur Seals by your committee will prove in the best long-term interests of the seals, the four nations involved, and the proud people of the Pribilof Islands.

Sincerely,

Russ Peterson

Russell W. Peterson
President

National Audubon Society
ALASKA REGIONAL OFFICE
308 G STREET, SUITE 219, ANCHORAGE, AK 99501 (907) 276-7034

April 29, 1985

RESOLUTION

CONSERVATION OF NORTH PACIFIC FUR SEALS

WHEREAS the "Interim Convention for the Conservation of North Pacific Fur Seals" has a solid record of achievement in international wildlife conservation since its adoption in 1911;

WHEREAS failure to ratify the Interim Convention would subject fur seals to the danger of indiscriminate and unregulated killing;

WHEREAS past and current research on the fur seals pursuant to the treaty is recognized by the scientific and conservation communities as some of the most outstanding ever designed and carried out on wildlife populations;

WHEREAS improved international cooperation in research, education, management and law enforcement will be vital to dealing with threats to the fur seals from entanglement in fish nets, increased natural mortality due to disease, predation, fluctuating food supplies and other biological factors;

WHEREAS continued opportunity for nonwasteful uses of fur seals by residents of the Pribilof Islands is essential to their physical, economic, traditional and cultural existence;

WHEREAS current declines in the Pribilof Island fur seal populations are serious and merit adoption of scientific management principles to the Interim Convention; and

WHEREAS opposition to the Interim Convention poses a serious threat to treaties as effective mechanisms in promoting international cooperation in wildlife conservation;

THEREFORE BE IT RESOLVED that the National Audubon Society supports ratification of the "Interim Convention for the Conservation of North Pacific Fur Seals" by the United States Senate;

BE IT FURTHER RESOLVED that the National Audubon Society recommends that ratification of the "Interim Convention" be contingent on adoption of scientific management principles that insure the problems confronting the fur seal population will be resolved in a timely manner.

AMERICANS COMMITTED TO CONSERVATION

News from: *Audubon*

NATIONAL AUDUBON SOCIETY
Alaska Regional Office, 308 G St., Suite 219, Anchorage, AK 99501

FOR IMMEDIATE RELEASE
May 7, 1985

Dave Cline
(907) 276-7034

The National Audubon Society's board of directors has passed a resolution strongly supporting ratification of the "Interim Convention for the Conservation of North Pacific Fur Seals" at their spring meeting in Seattle.

The Interim Convention is currently under consideration by the Senate Foreign Relations Committee, and must be ratified by the full Senate to keep the so-called Fur Seal Treaty in force, according to Dave Cline, regional vice president for the National Audubon Society in Alaska.

According to the Audubon resolution, "the Fur Seal Treaty has a solid record of achievement in international wildlife conservation since its adoption in 1911. Research and management activities performed on fur seals in connection with the treaty are recognized by the scientific and conservation communities as some of the most outstanding ever designed and carried out on wildlife populations."

Scientists with the National Marine Fisheries Service estimate that the population of fur seals on the Pribilof Islands prior to exploitation by western man stood at approximately 2.0-2.5 million. By 1912, they had been reduced to an estimated 300 thousand primarily due to indiscriminate slaughter on the high seas. But with the adoption of the Fur Seal Treaty by Canada, Japan, the Soviet Union and the United States in 1911, the population was restored. Today, the total population of North Pacific fur seals is estimated at 1.2 million, with 819 thousand of these inhabiting the Pribilof Islands in the Bering Sea.

Over the past decade, scientific evidence indicates that fur seals, sea lions and several species of seabirds on the Pribilof Islands have been declining in number. The average annual rate of decline for fur seals has been about 6 percent. "Increased natural mortality due to entanglement in commercial fishing nets on the high seas, disease, predation, fluctuating food supplies and other biological factors are suspected to be contributing to the decline. There is no scientific evidence, however, to indicate that current levels of harvest of subadult male fur seals is a contributing cause," Cline stated.

"Improved international cooperation in research, education, management, and law enforcement will be vital to dealing effectively with current threats to the fur seals," Cline said. The Audubon resolution recommends ratification of the Interim Convention be contingent on adoption of scientific management principles that insure the problems confronting the fur seal population will be resolved in a timely manner.

"Should new scientific evidence indicate that human harvests are indeed causing problems for the seals, then Audubon will support reducing or eliminating the harvests, depending on what the biological facts dictate," Cline stated.

The Audubon resolution also recognizes the importance of providing continued opportunity for non-wasteful uses of fur seals by residents of the Pribilof Islands. According to Cline, "the Aleut people deem such uses essential to their physical, economic, traditional and cultural existence."

"The Aleuts have been among the best protectors of the seals and their habitats over the years," Cline added, "and have conducted their annual seal harvests consistent with scientific principles and in the most humane manner possible."

"With fur seals threatened by intensifying commercial fishing and oil and gas leasing in the Bering Sea, it is more important than ever before to retain the treaty as a mechanism for promoting international cooperation in conservation of the species," Cline stated.

"Failure to ratify the Interim Convention, on the other hand, would be a disincentive for such cooperation. This, in turn, could endanger the seals with indiscriminate and unregulated killing similar to that taking place with Pacific walrus and polar bear. Furthermore, it would bring into question the credibility of the United States in terms of long standing commitments to the conservation of migratory wildlife," Cline concluded.

THE SECRETARY OF STATE
WASHINGTON

June 1, 1985

Dear Senator Levin:

Your letter of March 28 conveying your concerns over renewal of the Fur Seal Convention was most timely. I know that the continuation of this Convention has become a matter of great public controversy and your letter accurately reflects this controversy.

In sending the Protocol extending the Convention to the Senate for action, we did so only after careful deliberation and weighing of the issues you raise against the facts available. Our study has led us to the firm conclusion that renewal of the Convention is very much in the overall interest of the United States.

The Convention has been one of our oldest examples of successful international cooperation in the management and conservation of a species whose existence would have been imperiled in its absence. Unilateral abandonment of this effort would seriously weaken our leading role in responsible management efforts elsewhere.

Enclosed is a response I requested to be made to the points raised in your letter. I ask that you give it your careful attention. I believe that it demonstrates why all of us interested in the protection of wildlife should support the Convention.

Sincerely yours,

George P. Shultz

George P. Shultz

Enclosure:
As stated

The Honorable
Carl Levin,
United States Senate.

ISSUES REGARDING THE INTERIM CONVENTION ON NORTH PACIFIC FUR SEALS

The President's letter of transmittal dated March 2 and the attached report to it describe the reasons for the Administration's support for the continuance of the Convention, but several points should be emphasized.

First, the Interim Convention is an international management and conservation agreement. It is the only vehicle for international research, management, and conservation of the North Pacific Fur Seal stocks. Without it there would not be the four party cooperation on solving the problems of this population, especially investigating its recent decline.

Second, if the Convention lapses, purely domestic regulation will not completely protect the seal population. As noted in the Final Environmental Impact Statement on the North Pacific Fur Seal Interim Convention just published,

> "...all northern fur seals must spend some portion of their lives outside the jurisdictions of the United States and Canada. Pregnant females take a direct route from the West Coast to the Pribilofs each Spring. This component of the population is the most sensitive to harvesting and at the greatest risk from any possible resumption of pelagic sealing" (FEIS on page 18).

Other northern fur seals, of course, return to the rookeries into the territory of the U.S.S.R. and likewise are beyond regulatory jurisdiction of the United States. The situation therefore requires continued international regulation rather than a return to conditions which inevitably would lead to opportunistic pelagic killing of seals even if full-scale commercial pelagic sealing were not immediately resumed.

Third, many major environmental groups support the Protocol, including the Audubon Society, the World Wildlife Fund (U.S.) and the National Wildlife Federation. The President's National Advisory Council on Oceans and Atmosphere has also endorsed the extension of the Interim Convention. There is opposition from some groups that do not favor harvesting or killing of seals. However, we believe this position should be tempered by the other considerations mentioned here.

Fourth, nothing in the Convention precludes the cessation of the harvest if scientific evidence indicates that the decline of the fur seal population is attributable to the harvest. However, at the April Fur Seal Commission meeting in Tokyo, the Commission's Scientific Committee concluded that there were no biological grounds for changing the harvest levels of surplus male fur seals. While the Scientific Committee could not ascribe the continuing decline of the population (approximately 6 percent annually) to any one factor, it believes the key factors are the 1956-68 harvests of female fur seals and a recent poor survival rate of young fur seals which may be related to entanglement in discarded netting or other debris, and other factors. Fur seal scientists from all party governments agree that the harvest has no effect on the current decline of the fur seal herd. Again, the Protocol's requirements of jointly conducted research offer the best hope of identifying the cause of the decline and proper remedial measures, which of necessity must be international in scope.

Fifth, there will be no U.S. government funds expended for the seal harvest in 1985. It is to be conducted by the Aleuts on a purely economic basis by a private, profit-making Alaskan native corporation, Tanadgusix, at its own financial risk.

Sixth, termination of the Convention would not necessarily stop the harvest of seals. The Aleut community would be allowed to harvest seals for subsistence purposes and they estimate they would take between 10-15,000 seals annually. Other nations may well take substantial numbers of fur seals in their waters or on the high seas if the Convention lapses, as pointed out above.

Finally, in 1983, Congress turned over the management of the harvest to the Aleuts. To eliminate the possibility of a commercial harvest at this time, while the Aleuts are in the process of developing alternative means of employment, will place a severe burden on the Pribilof Island community. The Federal Government has a long history of responsibility for the Pribilof Islanders. To increase the difficulties of the transition period they are now in by arbitrarily terminating the fur seal harvest would be neither just nor reasonable.

CONSERVATION OF NORTH PACIFIC FUR SEALS
May 15, 1985

Purpose

This paper is respectfully submitted by the Aleut people of St. Paul Island, Alaska in support of prompt Senate action to extend the Interim Convention on Conservation of North Pacific Fur Seals (the "Fur Seal Treaty").

Those who oppose extension argue that the fur seals will fare better without the protection afforded by international agreement. In particular, they cite this year's planned harvest of not more than 22,000 non-breeding male seals on St. Paul Island as being more destructive to the seals than abandonment of the multinational regulatory regime that has governed the taking of seals since 1911.

In supporting the treaty's extension, the Aleuts share the principal concern of those who lead the opposition. For thousands of years, the Aleuts have depended upon the fur seal and other Western Alaska resources for subsistence in a harsh environment. Among all people, their demand for protection of fur seals is the most heart-felt, the most exacting.

As Senate consideration of the treaty approaches, the Aleuts believe that the debate properly should seek to resolve one question:

> Whether the conservation and protection of the North Pacific fur seal is better achieved by abandoning or extending the Fur Seal Treaty?

This paper will summarize the arguments in favor of extension of the treaty, as recommended by the Administration.

Support for Fur Seal Treaty

In widely distributed materials, opponents of ratification have implied that the treaty's only real advocates are the Aleuts and some Commerce Department officials. One opposition paper says "...the treaty is strongly opposed by the entire animal-welfare community and most conservation organizations." The treaty, in fact, enjoys wide acceptance and strong support from diverse official bodies, private organizations and individuals.

The present Interim Convention has been maintained in force since 1957 with the cooperation and support of the Governments of the Soviet Union, Japan, Canada and the United States. Secretary of State Shultz noted in his submittal letter of February 26, 1985:

> The Interim Convention provides for the management of fur seal stocks throughout their range. Without it, the United States could manage fur seals only within its exclusive economic zone, not outside the zone. The Interim Convention also bans pelagic [at sea] sealing, which United States scientists consider a wasteful method of harvesting seals.
>
> ***
>
> An environmental impact statement has been prepared which analyzes the potential effects of extending the Interim Convention as well as alternatives. It concludes that the extension of the Convention for four years with the related statement of concerns is the best course of action. This will provide continued protection to North Pacific fur seals throughout their range, supply an impetus for continued research on fur seals and fur seal entanglement, and allow flexibility concerning possible adjustments of harvest levels in the face of unforseen circumstances.

A number of respected conservation organizations have adopted Secretary Shultz' reasoned and balanced approach.

One notable example is the position taken by the National Audubon Society. In recent weeks the Society's Scientific Advisory Board has voted unanimously in favor of extending the Fur Seal Treaty. And based upon that recommendation, Audubon's national board of directors unanimously adopted a resolution endorsing ratification and citing the treaty's benefits. (See Attachment).

The National Wildlife Federation will testify that the treaty is one of the best examples of scientific management of a migratory species. Others expected to record their support at hearings are the World Wildlife Fund - U.S., the Wildlife Management Institute, the International Association of Fish and Wildlife Agencies, the Wildlife Legislative Fund of America, the National Wildlife Refuge Association, the American Fur Resources Institute, and the Wildlife Society.

Native American organizations recognize the urgent task of regulating the commercial harvest of species important to their subsistence lifestyles. Among those supporting ratification of the fur seal treaty are the Inuit Circumpolar Conference, the World Council of Indigenous People, and the Alaska Federation of Natives.

The Threat of Pelagic Sealing

The indiscriminate taking of seals at sea is called pelagic sealing. This form of sealing can be catastrophic to the species. In research conducted last year, the Japanese determined that most female seals migrate southward separate from the males. Among 534 seals caught at sea in this research, only 27 (or 5.1%) were males -- and 418 (or 87.4% of the mature female seals) had ovulated and had become pregnant.

To avoid extinction of the species, pelagic sealing was banned by international agreement in 1911. As early as 1926, Japan sought a resumption of the practice. In 1941 Japan abrogated the treaty and conducted pelagic sealing operations until the present Fur Seal Treaty was negotiated in 1957. The treaty opponents simply dismiss pelagic sealing as a modern threat. They argue that "...the reduced market for seal products, make commercial sealing unprofitable; no nation engaged in fishing in international waters has begun a commercial sealing operation."

First, this argument ignores the existence of the Pelly Amendment. Under federal law, the United States bans imports of fish products from nations which violate international conservation regimes. If the Fur Seal Treaty is abrogated by the United States, there will be no mechanism to bar products from non-party states -- such as Taiwan or South Korea -- which might conduct pelagic sealing. The protection of the Pelly Amendment would be gone.

Second, this argument assumes that fur seal coats and assessories will not become fashionable, and that the pelts will have no real economic value in future years. The assumption is certainly wrong in the Soviet Union, and apparently is wrong in the West as well. In fact the fur seal product market is experiencing a period of strong resurgence. According to an article in the October 1984 issue of International Fur Fashion Review, South Carolina's Fouke Fur Company has identified a "revival of interest in fur seal as a fashion item...." One Fouke official was quoted as saying, "[r]ight now, we're running behind on [fur seal] orders and must keep up the pressure to meet commitments." The phenomenon was characterized by the reporter as a "sharp increase in market demand for Alaska Fur Seal...." These trends are reflected in price. The price of fur seal skins is increasing. The threat of pelagic sealing, which is the threat of extinction, has not receded.

Third, treaty opponents refuse to accept the fur seal as a major competitor with man for limited fish stocks, particularly in the Western Pacific. The Japanese fishermen and government may not agree. At the Tokyo meeting concerning North Pacific fur seals on April 17, 1985, Japanese spokesman Akiyama commented on U.S. Commissioner Blondin's statement that the 1985 U.S. harvest might be as low as 15,000 seals, considering economic factors and other factors of concern to the United States. Mr. Akiyama, according to the official summary record,

> ...stated that Japan can not accept the U.S. proposal to reduce the harvest level as low as 15,000 and, instead, suggested a revised wording of the proposal as follows: "The contracting Parties concerned may have consultations when it seems to be necessary to introduce a significant change in the harvest size in the future due to unforseen circumstances as noted by the harvesting country."

It has consistently been the political position of Japanese fishermen that they should be allowed to conduct pelagic sealing, at least for predator control. They have been prohibited from doing so by the Japanese government, as required by the Fur Seal Treaty. If the United States fails to ratify, what rational basis will Japan have to deny pelagic sealing to its Nationals operating outside the U.S. exclusive economic zone?

The Decline of the Pribilof Herds

Of concern to the Aleuts and others is the decline in the Pribilof fur seal herds. The cause of the decline has not been determined, but the evidence indicates that the annual commercial harvest on St. Paul Island is not a contributing factor.

As the Senate Foreign Relations Committee hearing will demonstrate, a number of leading scientists believe that large numbers of seals perish at sea from entanglement in fishing debris. Others attribute the decline to the residual effects of the female seal harvest from 1956 until 1968, when the decision was made to reduce, initially, then to regulate the size of the Pribilof herds through controlling the number of reproductive female seals. Scientists have since determined that the females' peak reproductive years are from the ages of 10 to 17 years, so the effect of the female harvest may not entirely have been overcome with the passage of time.

There must be research on the decline of a number of species in the Bering Sea dependent upon pollock -- the principal finfish harvested by man in the region. The diet of the Pribilof fur seal and the Northern sea lion is 60 per cent pollock. The same fish is the largest contributor of biomass to the diet of piscivorous seabirds in the Southeastern Bering Sea. Scientists have documented a sharp decline in the sea lion population (from 60,000 animals in the late 1960's to about 12,000 today); and the Kittiwake and Murre seabird populations, dependent upon pollock as well, have suffered a catastrophic reproductive failure since about 1976. It is possible, perhaps probable, that the current decline in pollock is directly tied to the decline in fur seals, sea lions, and the seabirds.

In any event, the current decline in Pribilof fur seal stocks cannot be attributed to the commercial harvest on St. Paul Island. On both St. George and St. Paul, the fur seal herds are declining at about the same rate -- but there has been no commercial harvest on St. George since 1973. Of equal significance, the Soviet Union conducts a treaty-regulated harvest of fur seals on the Commander Islands and Robben Island. While harvest conditions on the Pribilofs, the Commanders, and Robben Island are roughly the same, the fur seal populations on the Soviet rookeries have remained relatively stable in recent years. Of course, these facts are significant because virtually all fur seals return year after year to their home rookery.

The Value of Research Under Treaty Auspices

The Fur Seal Treaty provides the mechanism for research on the causes of the Pribilof herds' decline. In November 1984, for example, treaty obligations prompted the United States to sponsor a workshop at Honolulu, Hawaii on the problem of net entanglement. Following that workshop, the National Marine Fisheries Service established an entanglement research program at the Northwest and Alaska Fisheries Center in Seattle. Other parties to the treaty will cooperate in the ongoing efforts to end this threat to the species.

In April 1985 pursuant to Fur Seal Treaty requirements, the committee of scientists met in Tokyo to plan research for 1985/1986. In addition to entanglement, 21 other areas of inquiry were identified. The scientists and their sponsoring governments found it important to consider the effects of, among other things:

- Oceanographic and climatic conditions including the effects of seasonal weather conditions;
- The availability of food to young seals as they enter the pelagic environment;
- Organic pollutants;
- The sex ratio of pups;
- Pollution of the environment by heavy metals;
- Illegal taking of seals, especially on the high seas; and
- The incidental take of fur seals in commercial fisheries.

To end the annual Pribilof commercial harvest opponents would terminate the Fur Seal Treaty. This would also terminate the ongoing cooperative research programs to solve the problem of the decline in stocks on the Pribilof Islands. From the seals' perspective, this would be particularly counterproductive.

Seal Stocks and the Recommended 1985 Harvest

The February 1985 Environmental Impact Statement on the Fur Seal Treaty contained the following estimate of worldwide stocks of North Pacific fur seals:

Island Group	Jurisdiction	Number of Seals
Pribilof Islands	USA	871,000
Commander Islands	USSR	210,000
Robben Islands	USSR	75,000
Middle Kurile Islands	USSR	47,000
San Miguel Island	USA	4,000
TOTAL		1,207,000

The committee of scientists determined in April that, on St. Paul Island, there would be a predicted 23,499 subadult male seals available for the 1985 harvest. After consultations, the Commissioners from the four countries recommended that not more than 22,000 seals be harvested in 1985 on St. Paul Island, and that 7,100 male seals be harvested by the Soviet Union on the Commanders and Robben Island. On St. Paul Island, the harvest would be conducted for 19 days, in July.

Conclusion

Opponents to the Fur Seal Treaty oppose the commercial harvest. They find the harvest repugnant and morally offensive. But if any moral issue is involved in the Senate debate, it is whether or not the seals are better protected under the treaty.

Moreover, the issue is not federal subsidy of the harvest -- there will be no federal subsidy in 1985.

The issue is simply whether the Fur Seal Treaty is better than an unregulated regime for protecting fur seals. In deciding this issue, the Senate must consider, among others, the following facts:

First, pelagic sealing has been virtually eliminated by the treaty and by the availability of Pelly Amendment sanctions against non-signatory powers.

Second, there are incentives for Japan and other countries to resume pelagic sealing, including the resurgence of the fur seal products market and fisheries predator control.

Third, under the treaty the U.S. participates in the regulation of the species throughout its range, not simply within the U.S. exclusive economic zone. It must be remembered that fur seals, including those migrating to and from the Pribilofs, travel outside the U.S. 200 mile limit.

Fourth, the decline in the Pribilof herds is the subject of multinational research programs under treaty auspices. The best chance of solving the problem lies in continued application of the treaty and continued reliance upon cooperative research efforts.

Fifth, the commercial harvest on St. Paul Island, while carefully regulated and not a contributing factor to the herd's decline there, is considered an extremely important

U.S. obligation by Japan, and perhaps the Soviet Union and Canada. As has been the case for 28 years, the continued cooperation of the other parties can be assured only by fulfilling U.S. responsibilities under the treaty.

Sixth, as the U.S. Department of Commerce determined on March 6, 1985, the North Pacific fur seal, protected by the treaty, is not a threatened species.

Seventh, if the Pribilof fur seal herds continue their decline, the United States as a party to the Fur Seal Treaty will have the opportunity to eliminate the harvest and take other actions of an emergency nature to protect the species worldwide.

Those Senators concerned about the survival of the North Pacific fur seal should vote for ratification of the Protocol extending the Fur Seal Treaty. Only with ratification can the United States be assured of multinational cooperation in dealing with any future threat to the species. The failure of comprehensive international regulation of whaling has threatened the survival of a number of species of whales. The same must not be permitted to happen in the case of the fur seals.

Washington, D.C.
May 15, 1985

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PLEASE REPLY TO
WASHINGTON, D.C. OFFICE

June 19, 1985

Birdie Bowman
Senate Foreign Relations Committee
423 Dirksen Building
Washington, D.C. 20510

Dear Mr. Bowman:

Enclosed are 50 copies each of the testimony of Father Ishmail Gromoff and Father Francis T. Hurley to be included in the record of the June 13, 1985 hearing before the Senate Foreign Relations Committee on the protocol amending the North Pacific Fur Seals Convention. Thank you for your assistance in this matter.

Sincerely yours,

Lori A. Meyer

Lori A. Meyer
Secretary

Enclosures
0013/06653

June 12, 1985

Senator Frank Murkowski
709 Hart Senate Office Building
Washington, D.C. 20510

Dear Frank:

This letter I wish to submit for the record in support of continuing the International Fur Seal Treaty.

(Please excuse the "letterhead", or lack thereof. Oil revenues are down, as you know and, well, what's a struggling missionary bishop to do!!)

My sensitivity to this matter has been heightened by a conversation with the delegation from St. Paul Island which will testify before you in Washington. I am presently aboard Northwest with them, three of whom I know personally from visiting them in their villages: Father Michael Lestenkof and his son, Maxim, of St. Paul, and Father Ishmail Gromoff of Unalaska.

The fact that I have not given this question of the fur seal treaty much personal attention is worthy of note. It is difficult to keep abreast of everything, every place, and the old addage comes to bear: out of sight, out of mind. Just as people in the lower 48 give little attention, at times, to that small number of people "out there" in Alaska, so we Alaskans at times neglect some of our own people who live in remote, isolated areas that few even visit.

I have visited St. Paul, however, for four days a couple of years ago. Because both the population and the island are small, I was able to visit all of it and a large portion of the people. Father Lestenkof was most gracious in receiving me and in talking to me about the island.

I was there, incidentally, at the time of the seal hunt.

Factual information about the seals is well outlined in the testimony of the delegation from St. Paul. My basic concern is for human dignity and personal development. Both these qualities are directly and intimately related to culture and employment.

That the seal hunt is part of the way of life of the people of St. Paul is evident. It is as real to them and their culture as is corn in Iowa or baseball in the United States, perhaps even more so.

The harvesting of seal is essential to the food base of the people there. Asking the Aleut to give up seal meat would be like asking the Polish and Germans to give up sausage and beer, or a Mexican to give up tacos.

One can argue about the number of seals necessary in this regard. The numbers crunch I leave to those with more knowledge than I have. The next point, however, seems to me to warrant a number on the high side: employment, jobs.

Personal and human development is intimately tied to jobs in the local economy. Those of us who have spent much time in remote villages--as I have over the past 15 years--know the devastating consequences of seasonal unemployment.

St. Paul will pick up a new job base because of the oil exploration now starting in the Bering Sea. This will help diversify the economy there. Yet, new jobs should not tempt one to think of them as a substitute for other existing jobs. One of the difficulties in St. Paul now is the essentially "single job" economy.

While the oil related jobs increase the seal related work should also increase to what is healthy.

But what is healthy?

The argument will be made to decrease the seal harvest. Again, I cannot argue numbers. Yet, I think it is a fair proposition to state that if there is a threat to the survival of the seals, the last area for restriction is the one that affects jobs, personal development and the culture of the people. As the Ttibal Government of St. Paul points out, there are many other threats to the survival of the seals. Those other threats must be confronted before setting practices that threaten the life and work of a people.

I am as concerned about the preservation of the ecology of Alaska as anyone. The environment must be protected and we in Alaska have shown our concern in this area. My point is quite simply that the human equation must always be kept in a place of prime importance, in this case the people of St. Paul Island.

This is not a case of protecting the people from the seals or the seals from the people. It should not be cast in terms of preservation of animals against the development of resources. It is rather a matter of recognizing the human dignity of the people of St. Paul Island and of assisting them to develop their changing life situation in a manner consistent with their history and culture.

Thank you for allowing me to make this intervention of support for the position taken by the Tribal Government of St. Paul.

God bless.

Sincerely,

Francis T. Hurley
by H.J. Ayer

Francis T. Hurley
Archibishop of Anchorage

STATEMENT BY SENATOR BOB PACKWOOD
ON THE
INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS

Mr. Chairman, I am pleased to have this opportunity today to comment on the Protocol to extend the Interim Convention on Conservation of North Pacific Fur Seals. Let me begin by thanking both of my colleagues from Alaska, Senators Murkowski and Stevens for their imput and intensive work on this very important issue. The hard work of my distinquished colleague from Michigan, Senator Levin, also deserves mention. Senator Levin is the leader in the debate over ratification of the North Pacific Fur Seal Treaty. Certainly, it is my honor to have worked with him on this issue of mutual concern.

Over the years I have been actively involved in the preservation of marine mammals. As a member of the Senate Commerce committee I have worked to ensure that marine mammals receive strong and comprehensive protection in the world's oceans. Most notably, my activity on the Commerce committee in this area has involved oversight of the Marine Mammal Protection Act.

Since 1972, the Marine Mammal Protection Act has protected and managed the more than 100 species of marine mammals found within the jurisdiction of the United States, including whales, seals, porpoises, sea otters, polar bears, walruses, and manatees. This 1972 Act recognizes that marine mammals consitute a significant functioning element of the marine ecosystem, and that certain species and population stocks are in danger of extinction, and that these depleted species need protection. The Act, when passed, established a moratorium on the taking and importing of marine mammals and their products.

Also included in the Act, however, were provisions allowing for the continuation of our international committments in the Pribilof Island fur seal hunt. And, these provisions, it should be noted, were retained largely because of assertions that the Fur Seal population was to be maintained at optimum levels by the Fur Seal Treaty. In recent years, however these assertions have been increasingly challanged.

As many of you know, last year during a Commerce Committee hearing on the reauthorization of the Marine Mammal Protection Act, I asked a number of questions regarding the Pribilof Island fur seal hunt. Most importantly, I asked about the then documented decline in the North Pacific fur seal herd and under what circumstances the Pribilof seal hunt could be terminated. At that time, my questions regarding those issues remained largely unanswered.

Now, however, it is time to offer those questions again in the context of our discussions over ratification of the Interim Convention on Conservention of North Pacific Fur Seals. As we all know, in October 1984, the Department of State signed a Protocol with the Soviet Union, Canada, and Japan designed to amend and extend the Interim Convention on Conservation of North Pacific Fur Seals. This protocol would extend the Convention for an additional 4 years, until October 1988. As in the past, the Interim Convention provides for an annual commercial harvest of fur seals by the United States and the Soviet Union. As signatories of the Protocol which extends this Convention, it is incumbent upon us to ask questions about the interaction between this international agreement and the survival of the North Pacific fur seal herd.

According to the Department of Commerce's Environmental Impact Statement on the Interim Convention, the seal population is declining at a rate between 5 and 8 percent per year. This decline has persisted, undiagnosed and untreated, for many years, perhaps since 1957. At this rate of decline, in 10 years, the current fur seal population will be reduced by nearly half. Already the Pribilof Island's fur seal population has declined from an original population size of 2.0 to 2.5 million to a level of 819,000. By every calculation, the current status of the Pribilof Island fur seal herd is considered well below the suggested management level of the Interim Convention (maximum sustainable productivity-MSP) and the Marine Mammal Protection Act (optimum sustainable population-OSP). In fact, the population has declined to such a degree that both the Humane Society of the United States and the Marine Mammal Commission have recommended that the fur seal be listed as a treatened species. Even the National Marine Fisheries Service acknowledges that all commercial harvesting would be prohibited if this depleated population were managed under the Marine Mammal Protection Act.

Despite these declining population estimates, the United States and the other party governments have recommended in the Protocol the continued harvest of some 22,000 fur seals. I regret that I must take issue with this recommendation. Over the years the United States has been a leader in the preservation of marine mammals. In nearly every other case where populations of marine mammals have been declining, the United States has moved to protect those species. The United States' decision to endorse the International Whaling Commission moratorium on commercial whaling illustrates this point. However, in the case of the North Pacific fur seal, the United States government continues to ignore this history and has made the decision again this year to continue the commercial harvest of 22,000 seals.

While scientists continue to argue over the actual impact of the harvest on the fur seal population, I can not help but agree with a statement the National Advisory Committee on Oceans and Atmosphere (NACOA) made in their 1985 report on the status of the North Pacific Fur Seal:

> The population of Pribilof seals fell by about 43,000 seals between 1983 and 1984. The 1984 harvest amounted to 22,066 seals. NACOA rejects the notion that when a population falls by 43,000, including the 22,066 harvested, the harvest is unrelated to the decline.

It simply defies logic to think that we should continue to commercially harvest thousands of fur seals each year when their populations are already suffering some unknown mortality. The means of protecting a declining species is not by recommending its continued commercial harvest.

When the United States entered into the Interim Convention in 1957 it was designed to minimize the pelagic sealing practices in the North Pacific which were perilously endangering the entire fur seal herd.

At that time, the United States territorial waters extended only 3 miles off shore. Therefore, the treaty was to be the incentive we offered to other nations engaged in sealing, to bring pelagic sealing beyond our 3 mile zone to an end.

Since 1957 circumstances have changed. In 1976 the United States moved to extend its jurisdiction over fish and marine mammals to reach some 200 miles beyond our coastline. This change, combined with an economically depressed fur seal pelt market strongly diminishes the threat of open sea, pelagic sealing. With these changes, it is very difficult for me to conclude that today's threat of pelagic sealing warrants the continued trade-off of a government sponsored commercial fur seal hunt as recommended by the Interim Convention.

In reviewing the involvement of the United States in the Interim Convention, I also question whether it is appropriate for the Federal government to be involved in the annual contracting for the commercial killing of seals. The Marine Mammal Protection Act was passed in 1972 as a result of many Americans expressing their objections to the commercial killing of marine mammals. Particularly at this time of budget deficits, I find it very difficult to justify United States involvement in an international agreement which necessitates the expenditure of taxpayers money for the killing of seals. The use of taxpayer monies to allow Federal involvement in the commercial killing of seals is simply not acceptable. In my view any intenational agreement which binds the United States government to such activity should be rejected. If the Senate ratifies this Convention, it commits the United States to the possibility of continuing the commercial harvest of seals for four more years. For the survival of the North Pacific fur seal herd, this is unjustifiable.

Mr. Chairman, I have touched on only a couple of issues which concern me regarding ratification of the Interim Convention on Conservation of North Pacific Fur Seals. In order to complete the record, I have attached an analysis, distributed by Senator Levin and myself, which refutes many of the misconceptions regarding alleged benefits of the Interim Convention. Attached to this analysis is also a letter which was sent by 44 Senators to Secretary of State George Shultz on April 2, 1985 regarding the Protocol to extend the Interim Convention. This letter outlines our deep concern over the current Protocol and states our intent to oppose the resolution of ratification when the matter comes before the Senate.

CARL LEVIN
MICHIGAN

United States Senate
WASHINGTON, D.C. 20510

June 10, 1985

Dear Colleague:

As you know, the Interim Convention on Conservation of North Pacific Fur Seals, better known as the Fur Seal Treaty, may come before the Senate for a vote on ratification.

This treaty, which permits the harvesting of 22,000 to 30,000 seals on the U.S. Pribilof Islands in the Bering Sea, is the subject of our strong opposition and that of 47 of our Senate Colleagues. This opposition is expressed in a letter to Secretary of State Shultz, signed by 44 Senators, and which is enclosed.

Since this letter was made public, many of you have received visits or material from individuals alleging numerous benefits to seals and mankind from continued U.S. participation in the treaty. Almost without exception, we disagree with the allegations in this material. However, without a thorough knowledge of the facts, the issues are complicated and complex. Thus, to aid our colleagues, we asked our staff to prepare an analysis to aid in understanding why the treaty is not beneficial to this country or to the seals, and why we should vote against ratification. This analysis was originally distributed on April 23, 1985. However, since that time some things have changed. For that reason, our staffs have provided an updated analysis dated June 10, 1985. It is attached.

If you have any questions, please contact Kathy Van Olst at x45244 or Jackie Parker at x 46221.

Sincerely,

Bob Packwood
Bob Packwood

Carl Levin
Carl Levin

June 10, 1985

WHY THE NORTH PACIFIC FUR SEAL TREATY SHOULD BE REJECTED

INTRODUCTION

As you know, the Interim Convention on Conservation of North Pacific Fur Seals, better known as the Fur Seal Treaty, may come before the U.S. Senate on a vote for or against ratification. To date, forty-four senators have signed a letter to the Secretary of State in which they announced their opposition to the treaty.

Since the release of that letter, a flood of material alleging benefits of the treaty has been distributed to senators by the Department of Commerce, representatives of the Aleut natives, and others. Frankly, we do not believe that these alleged benefits exist; however, we recognize the complexities and volume of the data. For this reason, we are providing herewith a comprehensive interpretation of the data which addresses the arguments which are put forth in support of the treaty. For your convenience, we have presented this material by repeating the alleged benefit and then providing a response based on an independent analysis of the data.

SOURCE OF THE DATA

Some mention needs to be made of the source of the data for our analysis. The data, in most cases, come either from the Department of Commerce or the U.S. Marine Mammal Commission. An additional source of data is the recent report entitled North Pacific Fur Seals produced by the National Advisory Committee on Oceans and Atmosphere (NACOA). Although this report is produced by an agency attached to the executive branch, it contains a fairly comprehensive analysis of the facts surrounding fur seal management. Where a particular fact seems in dispute, a reference is provided.

ANALYSIS

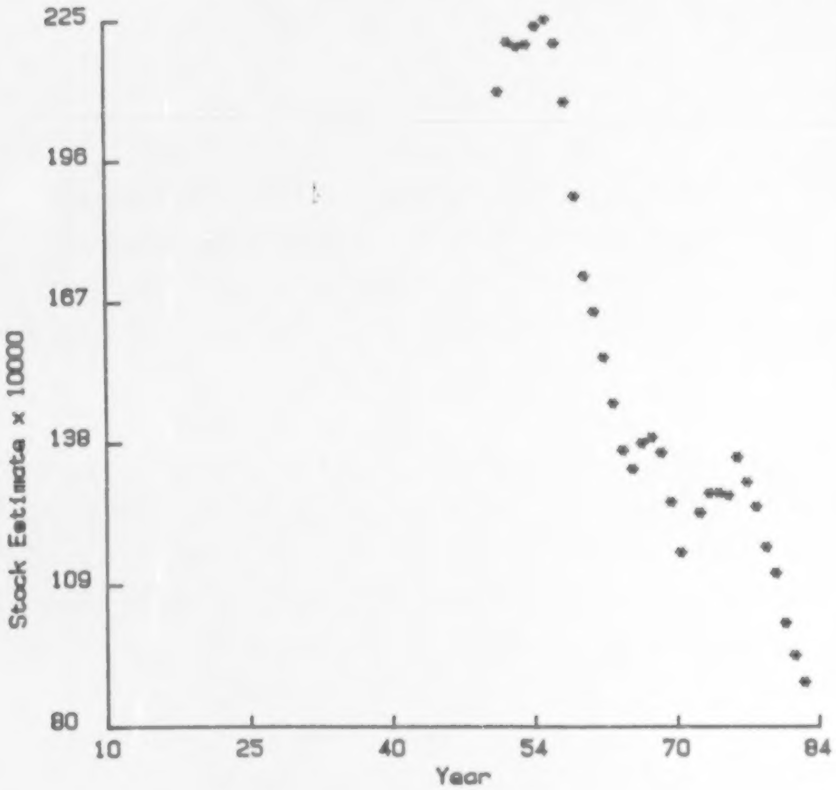
1. **ALLEGATION: Under the treaty, the population of fur seals has risen from 300,000 in 1911 to more than 1.2 or 1.4 million today. The treaty is the most successful international conservation program in history.**

RESPONSE: This statement is highly misleading, at best, and the implications are simply wrong. It is true that the seal population in the Pribilof Islands was 200,000 to 300,000 in 1911 when the treaty was first signed. The treaty was renounced by the Japanese at the beginning of World War II. The Pribilof Island population rose between 1911 and 1957 to around 2.0 to 2.5 million; the world-wide population was more than 3.0 million. The treaty was re-signed in 1957. Since 1957, the seal population has declined steadily to the current level of a little more than 800,000 in the Pribilof Islands and about 1.1 million world-wide. (The Marine Mammal Commission reported that the 1983 world-wide population was 1.2 million and the decline has been six to ten percent per year since then. Thus, the current population is not 1.2 or 1.4 million.) In short, under the the treaty, the population has declined by about sixty percent and continues to decline steadily. During the years of decline, the treaty nations allowed 20,000 to 30,000 seals to be slaughtered each year. The population has now gotten so low that the Marine Mammal Commission, an independent U.S. government agency, has just recommended that the fur seal be listed as threatened under the Endangered Species Act. This record does not represent a responsible, much less successful, international conservation regime.

2. ALLEGATION: **The treaty nations are advised by a Standing Scientific Committee, which is composed of governmental scientists from each nation. The decisions of these scientists ensure responsible management and maintenance of the fur seal population.**

RESPONSE: It is true that there is a Scientific Committee which advises the party nations. However, their advice has not been sufficient to ensure proper management or a healthy fur seal population. Indeed, since the treaty was re-signed in 1957, the world-wide population has fallen from around 3 million to only about 1.1 million animals. This "scientific" advisory system provided for mass killing of females from 1957 until 1968, and even today provides for the killing of 20,000 to 30,000 Pribilof fur seals in spite of the continuing population decline. In point of fact, the scientists are employees of governments which are committed by the treaty to killing seals and their views, most often, have tended to reflect that fact. Indeed, nothing illustrates the failure of this scientific management system better than Figure 19 from a paper presented by the U.S. Government scientists to the Standing Scientific Committee in 1984 (see next page).

Figure 19. The estimated stock size of the northern fur seal population of the Pribilof Islands for the period 1951 to the present.



Source: Figure 19 of

TABLES AND FIGURES OF THE BASIC POPULATION DATA
FOR THE NORTHERN FUR SEALS OF THE PRIBILOF ISLANDS

Background paper submitted to
27th Meeting of the Standing Scientific Committee
of the North Pacific Fur Seal Commission
Moscow, March 29-April 9, 1984

Laurie Briggs and Charles W. Fowler

3. ALLEGATION: **Only bachelor males are harvested. Scientists can not prove that the killing of these males is harming the population. Therefore, the treaty is appropriate; the treaty and the harvest should be continued.**

RESPONSE: Proponents of the treaty continue to allege that killing 22,000 to 30,000 seals each year is not harming the population. These people completely ignore the fact that the only places in the world where the fur seal population is rising are in areas where such killing is not allowed, (i.e., Bogoslof Island, San Miguel Island, the Kurile Islands). The National Advisory Committee on Oceans and Atmosphere (NACOA) report may have stated it best (p. 43):

> The population of Pribilof seals fell by about 43,000 seals between 1983 and 1984. The 1984 harvest amounted to 22,066 seals. NACOA rejects the notion that when a population falls by 43,000, including the 22,066 harvested, the harvest is unrelated to the decline.

Finally, the proponents' position defies logic. The fur seal population existed for millions of years without being harvested. Since 1957, the Pribilof Island population has declined by about sixty percent to its current level of little more than 800,000; all the while, "harvesting" has continued. It is now time to reject the treaty, end the harvesting, and allow these animals to be protected and restored under the Marine Mammal Protection Act.

4. ALLEGATION: **The Humane Society of the United States petitioned the U.S. government to have the fur seal listed as a threatened species under the Endangered Species Act. The government denied the petition; therefore, the seal population is healthy and the treaty should be renewed.**

RESPONSE: The Humane Society of the United States did petition the government and the government did deny the petition. However, the government's denial seemed to be designed primarily to deflect criticism of the treaty. For obvious reasons, the government simply did not want to attempt to win ratification of the fur seal treaty after first declaring that the treaty had allowed the fur seal to become a "threatened" species. In denying the petition, the government did not deny that the fur seal population continues to decline at six to ten percent per year; the government did not deny that the fur seal population is about sixty percent below the carrying capacity of the habitat. Indeed, at the 1984 meeting of the Fur Seal Commission, government scientists acknowledged that at the current rate of decline, the fur seal population will be cut in half every seven years.

The weakness of the government's position can be seen by noting that both sea otters and gray whales are listed under the Endangered Species Act, but their populations are far healthier than the population of the North Pacific fur seal.

Finally, and ironically, just as the Commerce Department was denying the petition of The Humane Society of the United States, the Marine Mammal Commission, an independent U.S. government agency assigned to watchdog marine mammals, recommended that the fur seal be listed as a threatened species. Not surprisingly, the Commerce Department refused.

5. ALLEGATION: **The reason the Fur Seal population has declined by sixty percent is that the carrying capacity of the Bering Sea ecosystem for seals has declined drastically.**

RESPONSE: The NACOA Report and the Department of Commerce scientists have examined this question in detail, concluding that "At the present time there is no evidence of such a reduction." In fact, there is positive scientific evidence (body length, body size, and tooth size) to suggest that the carrying capacity of the habitat to support seals is far higher than the seal population. In short, the population decline cannot be attributed to a reduction in the carrying capacity of the habitat.

6. ALLEGATION: **The treaty was designed primarily to stop pelagic sealing. If we do not ratify the treaty, commercial pelagic sealing will begin again.**

RESPONSE: It is true that the treaty was responsible for halting pelagic sealing in the years after its original ratification in 1911. However, due to the 200-mile (EEZ) limit and the lack of economically viable markets for seal skins, there is no longer a real threat of commercial pelagic sealing.

The report of the National Advisory Committee on Oceans and Atmosphere (NACOA) also reached that conclusion stating that..."the risk is small because of the 200-mile resource zones, current negative market conditions, modern recognized principles of living resource management, and high operating costs (p. 20, "advance copy"; p. 19, final copy).

Finally, Japan (the nation most often mentioned in connection with possible pelagic sealing) has stated that a failure to ratify the treaty will not necessarily mean that Japan would resume pelagic sealing. Moreover, the way to prevent pelagic sealing is not to engage in the harvesting of 22,000 to 30,000 seals each year; the proper response to any perceived risk of commercial pelagic sealing is for the government to make it known that pelagic sealing is totally unacceptable and perpetrators will be punished. Indeed, any risk of pelagic sealing would be completely nonexistent if the U.S. were to simply require that every nation permitted to fish within our 200-mile zone agree to prohibit their nationals from engaging in pelagic sealing.

7. **ALLEGATION: Seals are fierce competitors for fish. If seals are not killed they consume large quantities of fish and commercial fishermen will kill seals as a form of predator control.**

RESPONSE: As the NACOA report concluded, seals are a "negligible" competitor for fish, consuming only 0.9 percent (per year) of Bering Sea fish (p. 13, "advance copy"; p. 15, final copy). Thus, any foreseeable expansion of the fur seal population would not provide measurable competition with commercial fishing. It is likely, as NACOA states (p. 14, "advance copy"; p. 16, final copy), that some illegal seal killing, as predator control, is currently occurring on a case-by-case basis. This is very hard to police and would probably continue regardless of the existence of a treaty. It would not be likely to expand since seals would continue to be protected in most areas and it is an uneconomic activity in any event.

8. ALLEGATION: **Many seals are dying due to entanglement in discarded fishing netting and debris. The fur seal treaty provides the vehicle for solving this problem.**

RESPONSE: The fur seal treaty has been unable to deal with the entanglement issue. Indeed, at the 1984 North Pacific Fur Seal Commission meeting in Moscow, the governments of Japan, Canada and Russia, as parties to the treaty, flatly refused to co-sponsor a U.S. government workshop on the entanglement problem. Moreover, over the last ten years, the only action the fur seal treaty nations have taken in dealing with the entanglement problem has been to provide posters for use on ships (one set in about 1977 and one set in 1983-84). Finally, the solution to the entanglement problem must involve all of the nations which fish in the Bering Sea. Since the North Pacific Fur Seal Treaty only involves four of those nations, it is obviously not an appropriate or workable vehicle for that purpose.

9. ALLEGATION: **Fur seal research is important and the treaty encourages research. If the treaty is not ratified, there will be no more research.**

RESPONSE: The significance of the treaty as a facilitator of research is highly overrated. For example, the U.S.

government conducts most of the research. This research is funded through the National Marine Fisheries Service, and is budgeted independently of the treaty. The research would continue to be budgeted with or without the treaty, as part of this nation's commitment to marine mammals. Research from Japan and Canada is relatively minor. Japan's 1984 research effort consisted of killing about 100 seals to determine their foods. Canada's research consisted of some computer modeling. Russia's research consisted of analyzing breeding populations of seals on Russian islands. Russia's research, like the U.S. effort, would undoubtedly occur with or without the treaty, and the scientists from all nations could continue to exchange information and work together as appropriate and desirable.

10. ALLEGATION: **In 1985, there will be no federal subsidy to Pribilovians to conduct the seal killing. For this reason, the commercial killing of these animals should be allowed to continue.**

RESPONSE: Two issues are involved here. The arrangements for funding and the alleged "desirability" of a commercial kill. First, the funding.

In 1984, the U.S. government paid the Aleut natives $500,000 and 30,000 seal skins (left unsold from seals killed in 1981 to 1983) to kill and skin 22,066 more seals. Clearly, this does not make economic sense. The Aleuts sold the 30,000 skins for $15.00 to $18.00 per skin (unprocessed) to Fouke Fur Company. Larry Merculieff, president of the corporation which conducts the "harvest," later stated that he hoped that proceeds from selling the skins would help "provide enough money to hold the 1985 harvest." Thus, it is no surprise to find that the Aleuts have been able to identify the resources with which to finance the 1985 hunt, particularly since the Aleuts are demanding the skins from last year's kill and another $60,000 from the Japanese and Canadians.

However, the treaty, if ratified, will be approved for four more years, not just one. It will commit the U.S. government to killing seals for four more years. Unfortunately, it is not the Aleuts who are required to kill seals under the treaty--it is the United States government. Technically, the Aleuts are workers who have made no commitment regarding financing of hunts for the succeeding three years. The significance of that fact may be seen by noting that a year ago the Aleuts reneged on a contract in which they had agreed to kill seals. In fact, in 1984, the Aleuts refused to kill seals unless the government paid them 500,000 dollars and 30,000 seal skins left unsold from previous years. The government agreed to the Aleuts' terms. However, the reason the Aleuts could make such demands is because the government--not the Aleuts--are required by the treaty to kill seals. If the government does not meet the Aleuts' demand for a contract, the option would be for the government to send in other workers to kill the seals. So, of course, when the Aleuts renounced their original contract and demanded 500,000 dollars more, the government was forced to agree. If the Senate, by ratifying the Protocol, requires the U.S. government to kill seals in 1985, 1986, 1987, and 1988, we may be certain that the U.S. government will be required to subsidize the killings.

However, even this discussion of funding obscures a central issue: the appropriateness of the commercial killing of these seals. With the Marine Mammal Protection Act of 1972, the Congress and the U.S. people decided that it was national policy to protect marine mammals; only the fur seal was exempted and only because of the treaty. In 1980, numerous senators voted for ratification of the treaty only because it was understood that there would be a phase out of seal killing.1/ In 1983, the Congress created a $20 million trust fund so that the Aleuts could develop a "diversified economy not dependent upon sealing". Under

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/ It should also be noted, parenthetically, that the 1972 and 980 decisions (by Congress and the U.S. Senate respectively) to llow fur seals to be managed under the Fur Seal Treaty were redicated, in part, on the belief at that time that the seal opulation was at a maximum/optimum level. We now know that the opulation is about sixty percent below that level.

these circumstances, it makes no sense to continue to pay the Aleuts to conduct commercial killing or to even allow commercial sealing. It makes no difference whether payment comes in the form of seal skins (sold for $15.00 apiece), cash from the Japanese and Canadians, cash directly from the U.S. Treasury, or cash from sale of seal reproductive organs for their alleged aphrodisiac value. Any payment for sealing is counter-productive to the goal of having the Aleuts develop an alternative economy, since such payments encourage economic dependence and interfere directly with attaining the goal of a viable alternative economy.

11. ALLEGATION: **To bridge the gap to alternative employment, the Aleut natives are financially dependent upon the funds provided by the government for killing seals.**

RESPONSE: There are 700 Aleut natives on the two Pribilof Islands, St. Paul and St. George. The money and goods provided for seal killing in 1984 only provided about 80 jobs for four weeks and represented only eight percent of total income, even though the payment totaled nearly $900,000. For 1985, the Aleuts are requesting $60,000 from Japan and Canada plus the proceeds from selling the 15,400 skins of seals killed in 1984 and owned by the U.S. government.[2] The total value of this payment would be about $290,000. While this is far less money than that provided in 1984, and even though the funds are in addition to the money from the $20 million trust fund, it may be that the funds are an important source of income for the islands. However, if the funds are necessary, the Aleuts can be paid for desirable and productive projects, such as improving "halibut fishery management and marketing" (and other projects identified on page 27 of the NACOA report "advance copy"; p. 28, final copy), which will lead directly to the development of desirable alternative livelihoods. The funds need not be paid for the killing of seals.

12. ALLEGATION: **If the treaty is not ratified, the Aleuts will not be able to kill seals, depriving them of needed food and an important part of their culture.**

RESPONSE: This is simply not true. Sealing to meet legitimate subsistence needs of the Aleut natives is permitted under both the Marine Mammal Protection Act and the Fur Seal Act. Legitimate subsistence needs will be met with or without the treaty.

13. ALLEGATION: **Conservation organizations such as the Wildlife Legislative Fund, the International Association of Fish and Wildlife Agencies, the National Wildlife Federation, and**

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[2] In 1984, a total of 22,066 seals were killed. Under the treaty skins are divided seventy percent for the U.S. and fifteen percent each for the Canadians and the Japanese.

even the Audubon Society support the treaty. Therefore, the treaty must be good.

RESPONSE: First, the treaty is strongly opposed by the entire animal-welfare community and many conservation organizations.

It is true that the Wildlife Legislative Fund of America, the National Wildlife Federation, the International Association of Fish and Wildlife Agencies, and the National Audubon Society have to one degree or another supported the treaty. This support has been based on suggestions that the treaty is:

1. desirable to foreclose pelagic sealing;
2. a way to end mortality due to entanglement;
3. a way of promoting fur seal research; and/or
4. a highly successful conservation and management regime.

For the reasons we have cited in substantial detail herein, we believe that these allegations are simply wrong on the basis of a documented and comprehensive analysis of the facts in the record. Moreover, numerous local Audubon societies, humane societies, Sierra Club chapters, animal-welfare groups, and wildlife groups, as well as millions of concerned citizens, believe that the time to end the treaty and resultant destruction of these seals is now.

United States Senate
WASHINGTON, D.C. 20510

April 2, 1985

Honorable George Shultz
Secretary of State
U.S. Department of State
Washington, D.C. 20520

Dear Mr. Secretary:

In October 1984, the Department of State signed a Protocol with the Soviet Union, Canada, and Japan designed to amend and extend the Interim Convention on Conservation of North Pacific Fur Seals for an additional four years, until October 1988. As in the past, the Interim Convention provides for an annual commercial harvest of fur seals by the United States and the Soviet Union.

We are writing to express our opposition to the Protocol because it provides for continuation of the seal slaughter, and to inform you of our intention to oppose the resolution of ratification when the Senate is asked to give its advice and consent. The Protocol in its present form is not in the best interest of U.S. taxpayers or the North Pacific Fur Seal.

According to the Department of Commerce's Draft Environmental Impact Statement on the Interim Convention on Conservation of North Pacific Fur Seals, the seal population is declining at a rate of between 5 and 8 percent per year. A continuation of the decline at this rate could reduce the already depleted population of 1.1 million by half every 7 years, raising a concern about the very survival of the North Pacific Fur Seal.

The Interim Convention requires that the fur seal population be brought to and maintained at a level of "maximum sustainable productivity" so that the population will provide the greatest commercial harvest year after year. However, the Draft Environmental Impact Statement reveals that since 1983 the fur seal population has been below the level of maximum sustainable productivity. Despite this finding, the U.S. and the other party governments have agreed to continue the commercial harvest. In light of this situation, approval of this Protocol raises a real possibility of a continued commercial harvest.

We cannot justify the expenditure of taxpayer money for the killing of seals. The use of taxpayer monies to subsidize the killing of seals is not an appropriate function of the Federal government, and is repugnant to most Americans.

The government's direct costs for the commercial harvest have exceeded the proceeds received from the sale of skins for the past several years. This situation is unlikely to change given the shrunken world-wide market for seal skins. As a private risk-taking venture, the Aleut Corporation declined to assume the cost of the harvest and recoup those costs from the sale of skins taken in previous years.

We recognize the efforts of the Aleut residents of the Pribilof Islands to develop a stable and diversified economy not dependent on sealing, and support their efforts to do so. Toward this end, the Congress established in 1983 a $20 million trust fund to promote economic development on the Islands. The Pribilof Islands are located in one of the richest fishing areas in the world, and the Aleut Corporation has begun a commercial fishing operation. In addition to the seal rookeries, the Pribilofs are the nesting grounds for thousands of species of birds, and these areas have been incoporated into our national park system. These tourist attractions should provide employment in the service industries on the Islands. The Pribilofs will also be the staging base for oil exploration in the Bering Sea. These activities hold great promise, and we are committed to see that the residents of the Pribilof Islands have the resources to develop their economic potential.

Finally, we are not persuaded that we must continue the Interim Convention to protect the seal population from open sea (pelagic) sealing. Without the Interim Convention, the seal population would be protected by the Marine Mammal Protection Act and the United States 200-mile Exclusive Economic Zone (EEZ). Such protections, and the reduced market for seal products, make commercial sealing unprofitable; no nation engaged in fishing in international waters has begun a commercial sealing operation. Moreover, we believe it highly unlikely that Canada or the Soviet Union would resume pelagic sealing on a commercial scale. And, the Government of Japan has informed the U.S. that Japanese law prohibits the killing of fur seals, and that "It is inconceivable that the expiration of the present Convention would automatically lead to the resumption of such harvesting by Japanese nationals."

For these reasons, we oppose the Protocol and will oppose the resolution of ratification when this matter comes before the Senate.

Sincerely,

Carl Levin
CARL LEVIN

Bob Packwood
BOB PACKWOOD

Jim Sasser
JIM SASSER

John H. Chafee
JOHN H. CHAFEE

DANIEL PATRICK MOYNIHAN

Joe Biden

JOSEPH R. BIDEN, JR.

Bill Bradley

BILL BRADLEY, JR.

Bill Roth

WILLIAM V. ROTH, JR.

David Pryor

DAVID PRYOR

EDWARD ZORINSKY

QUENTIN N. BURDICK

Paul Sarbanes

PAUL S. SARBANES

Gordon Humphrey

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PAUL SIMON

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Tom Harkin
TOM HARKIN

John Glenn
JOHN GLENN

MARK ANDREWS

June 12, 1985

Senator Frank Murkowski
709 Hart Senate Office Building
Washington, D.C. 20510

Dear Frank:

This letter I wish to submit for the record in support of continuing the International Fur Seal Treaty.

(Please excuse the "letterhead", or lack thereof. Oil revenues are down, as you know and, well, what's a struggling missionary bishop to do!!)

My sensitivity to this matter has been heightened by a conversation with the delegation from St. Paul Island which will testify before you in Washington. I am presently aboard Northwest with them, three of whom I know personally from visiting them in their villages: Father Michael Lestenkof and his son, Maxim, of St. Paul, and Father Ishmail Gromoff of Unalaska.

The fact that I have not given this question of the fur seal treaty much personal attention is worthy of note. It is difficult to keep abreast of everything, every place, and the old addage comes to bear: out of sight, out of mind. Just as people in the lower 48 give little attention, at times, to that small number of people "out there" in Alaska, so we Alaskans at times neglect some of our own people who live in remote, isolated areas that few even visit.

I have visited St. Paul, however, for four days a couple of years ago. Because both the population and the island are small, I was able to visit all of it and a large portion of the people. Father Lestenkof was most gracious in receiving me and in talking to m[illegible]bout the island.

I was there, incidentally, at the time of the seal hunt.

Factual information about the seals is well outlined in the testimony of the delegation from St. Paul. My basic concern is for human dignity and personal development. Both these qualities are directly and intimately related to culture and employment.

That the seal hunt is part of the way of life of the people of St. Paul is evident. It is as real to them and their culture as is corn in Iowa or baseball in the United States, perhaps even more so.

The harvesting of seal is essential to the food base of the people there. Asking the Aleut to give up seal meat would be like asking the Polish and Germans to give up sausage and beer, or a Mexican to give up tacos.

One can argue about the number of seals necessary in this regard. The numbers crunch I leave to those with more knowledge than I have. The next point, however, seems to me to warrant a number on the high side: employment, jobs.

Personal and human development is intimately tied to jobs in the local economy. Those of us who have spent much time in remote villages--as I have over the past 15 years--know the devastating consequences of seasonal unemployment.

St. Paul will pick up a new job base because of the oil exploration now starting in the Bering Sea. This will help diversify the economy there. Yet, new jobs should not tempt one to think of them as a substitute for other existing jobs. One of the difficulties in St. Paul now is the essentially "single job" economy.

While the oil related jobs increase the seal related work should also increase to what is healthy.

But what is healthy?

The argument will be made to decrease the seal harvest. Again, I cannot argue numbers. Yet, I think it is a fair proposition to state that if there is a threat to the survival of the seals, the last area for restriction is the one that affects jobs, personal development and the culture of the people. As the Tribal Government of St. Paul points out, there are many other threats to the survival of the seals. Those other threats must be confronted before setting practices that threaten the life and work of a people.

I am as concerned about the preservation of the ecology of Alaska as anyone. The environment must be protected and we in Alaska have shown our concern in this area. My point is quite simply that the human equation must always be kept in a place of prime importance, in this case the people of St. Paul Island.

This is not a case of protecting the people from the seals or the seals from the people. It should not be cast in terms of preservation of animals against the development of resources. It is rather a matter of recognizing the human dignity of the people of St. Paul Island and of assisting them to develop their changing life situation in a manner consistent with their history and culture.

Thank you for allowing me to make this intervention of support for the position taken by the Tribal Government of St. Paul.

God bless.

Sincerely,

Francis T. Hurley
by H. J. Ayer

Francis T. Hurley
Archibishop of Anchorage

RICHARD G. LUGAR, INDIANA, CHAIRMAN

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United States Senate
COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, DC 20510

July 1, 1985

Mr. Harry E. Hodgdon
Executive Director
The Wildlife Society
5410 Grosvenor Lane
Bethesda, Maryland 20814

Dear Mr. Hodgdon:

Thank you for submitting your views on the Fur Seal Convention. I will see that they are made a part of the Committee's official records on the Convention.

Sincerely,

Richard G. Lugar
Chairman

RGL:rmk

THE WILDLIFE SOCIETY
5410 Grosvenor Lane • Bethesda, MD 20814 • Tel. (301) 897-9770

18 June 1985

The Honorable Richard G. Lugar, Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Senator Lugar:

The Wildlife Society appreciates the opportunity to submit to the Committee on Foreign Relations the following statement for the record supporting the Interim Convention on the Conservation of North Pacific Fur Seals.

The Wildlife Society is an international nonprofit scientific and educational wildlife conservation organization composed of nearly 8,000 professional wildlife biologists, managers, researchers, educators, and administrators. The Society supports sound programs to perpetuate and manage wild living resources, including the Interim Convention on the Conservation of North Pacific Fur Seals. We support the Interim Convention because we believe it is in the best interest of the wildlife resource, the northern fur seal populations. The successful northern fur seal program conducted under the Interim Convention epitomizes the objectives and results of sound international research, management, and wise use. In addition, extension of the Convention will assist the United States in fulfilling the requirements of the Fur Seal Act of 1966, particularly in regard to the Aleut residents, and help continue a stable economic base throughout the final stages of the transition from federal administration of the Pribilof Islands to state and local government and private enterprises.

Human caused impacts have occurred in practically all of the ecosystems of the world and thus require scientific management of these disrupted areas and their associated living resources. The extirpation of the northern fur seal was prevented in 1910 by wise management that resulted in a current population of 1.1 million animals, with 819,000 of these inhabiting the Pribilof Islands in the Bering Sea. Although we are concerned about the 6% annual decline in fur seal numbers, allowing the treaty to expire would end the present international management and the research program for the northern fur seal. Such programs include a continuing scientific forum on the causes of the current decline in the fur seal population.

We know of no scientific information to indicate that ending the commercial harvest of sub-adult males of this polygamous species would reverse the downward trend in pup numbers. In fact, not harvesting sub-adult males could actually impede recovery by altering the sex ratio, reducing productivity, and increasing pup mortality. If the protocol is not ratified, the surplus of sub-adult males will increase and compete for space with cows and pups on the rookeries, and thus contribute to a higher pup mortality.

The North Pacific Fur Seal Commission in 1973 addressed the decline of fur seal populations in the Bering Sea by discontinuing commercial harvest on St. George Island. The remaining islands under federal jurisdiction continued to harvest the northern fur seal as permitted by the Interim Convention. Since 1973, the fur seal populations inhabiting both St. George Island and the harvested islands have shown a decline at or near the same rate.

We recognize, as did the 1985 North Pacific Fur Seal Commission in Tokyo, Japan, that the present commercial harvest is not related to the current population decline. It is likely that the declining population can be attributed to a combination of factors including entanglement in commercial fishing nets and certain biological factors such as disease, fluctuating food supplies, predation, and surface water temperatures. In addition, it should be noted that certain other marine animal populations, not managed under the Convention and within the same region as the northern fur seal, also are declining.

If the Interim Convention for the Conservation of North Pacific Fur Seals is not ratified, most pregnant females returning to the Pribilof Islands would become susceptible to pelagic sealing because they travel outside the 200 mile zones of the United States and Canada. This likely would have a major impact on the species we are attempting to conserve and on the Aleut people. Scientific management and research must be used as the rational instruments for maintaining, restoring, and enhancing the northern fur seal resource for the continued use and appreciation by humanity.

The first priority must be to extend the present Convention to ensure that indiscriminate pelagic sealing where pregnant females could be highly susceptible to harvest does not resume. We must also ensure that sufficient funding and manpower are available to collect and analyze data necessary to better understand the changes occurring in the Pribilof northern fur seal populations.

Thank you for your interest in The Wildlife Society position.

Sincerely,

Harry E. Hodgdon

Harry E. Hodgdon
Executive Director

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RICHARD G. LUGAR, INDIANA, CHAIRMAN

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United States Senate
COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, DC 20510

July 1, 1985

Ms. Carol A. Porter
Director, National Affairs
The Wildlife Legislative Fund of America
1612 K Street, N.W., Suite 1101
Washington D.C. 20006

Dear Ms. Porter:

Thank you for submitting your views on the Fur Seal Convention. I will see that they are made a part of the Committee's official records on the Convention.

Sincerely,

Richard G. Lugar
Chairman

RGL:rmk

THE WILDLIFE LEGISLATIVE FUND OF AMERICA
To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

Dear Mr. Messick:

Enclosed is the WLFA statement on the Fur Seal Treaty of which hearings were held June 13.

I would appreciate it if our statement were entered into the official hearing record.

With best wishes.

Sincerely,

Carol A. Porter
Director, National Affairs

To protect the Heritage of the American Sportsman to hunt, to fish and to trap

THE WILDLIFE LEGISLATIVE
FUND OF AMERICA

CAROL A. PORTER
Director of National Affairs
1612 K Street, N.W., Suite 1101, Washington, D.C. 20006
(202) 466-4407

THE WILDLIFE LEGISLATIVE FUND OF AMERICA
To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

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Washington, D.C. 20006
202/466-4407

Statement in Support of Treaty Document 99-5

"THE PROTOCOL AMENDING THE NORTH PACIFIC FUR SEALS CONVENTION"

Submitted to
FOREIGN RELATIONS COMMITTEE
of the
UNITED STATES SENATE

by

CAROL A. PORTER
WILDLIFE LEGISLATIVE FUND OF AMERICA

June 13, 1985
Washington, D.C.

50 West Broad Street, Columbus, Ohio 43215 614/221-2684

The Wildlife Legislative Fund of America is a non-profit organization which protects the heritage of American sportsmen to hunt, fish and trap and protects scientific wildlife management practices by providing legislative lobbying and legal defense services. It is an association of sportmen's and other conservation organizations at the national, state and local level. These range from Ducks Unlimited, whose members raise and spend over $40 million annually to acquire and maintain North American waterfowl habitat, to local rod and gun clubs. Through these organizations, WLFA represents the interests of an aggregate membership of over 750,000 conservation-minded Americans.

This treaty is the only mechanism providing international management and conservation of fur seals thoughout their migratory range in the North Pacific Ocean. Under it, the cooperating nations have compiled a solid record of achievements in bringing the North Pacific fur seal from near-extinction to abundance.

Opponents to extension of the treaty object to the harvest of seals. However, this objection finds no basis in species protection--to the contrary, the treaty mechanism affords the best means to assure continuity of fur seal species.

The U.S. Department of Commerce on March 6, 1985, published its determination that listing of the North Pacific fur seal as a threatened species is not warranted. This status had been petitioned by one of the groups currently opposing extension of the treaty.

The treaty provides the means by which two of the true threats to survival of the species can best be controlled: pelagic harvest and entanglement.

A return to pelagic sealing (the taking of seals at sea), is expected if the treaty is not ratified. Due to limited fish stocks fishermen have been known to use pelagic sealing as a means of predator control. In addition, the problem of entanglement has become more severe, and is believed to be a principal cause of recent population decline. The Protocol now before the Senate calls for more research on the problem of entanglement with nets and other debris, and prohibition of disposal at sea of these items. The treaty provides an important mechanism for promoting these goals.

Through the North Pacific Fur Seal Commission, the treaty provides the essential mechanism by which cooperative research on an international level can be conducted. Past and curr nt research on fur seals pursuant to the treaty is recognized by the scientific and conservation communities as some of the most outstanding ever designed and carried out on wildlife populations. The treaty affords a continuing scientific forum on the causes of decline in the fur seal population.

The annual harvest of sub-adult males has been found to have no adverse effect on population levels. According to the final Environmental Impact Statement on extending the treaty,

> "[a]n end to the male harvest on St. Paul Island could result in an increase in pup mortality on land at a time when the Pribolof Island population is experiencing a significant decline in productivity. Ending the harvest may impede the recovery of the northern fur seal population. International management and research programs for this highly migratory species would end."

The problems of pelagic harvest and entanglement, and the study and management of fur seals, are best handled through the international mechanisms of the Interim Convention on Conservation of North Pacific Seals, which in this century have made healthy populations of fur seal a reality. It would be unwise to discard these well-tested mechanisms solely for the purpose of ending the on-shore harvest of seals, which can be best controlled within the treaty.

The Wildlife Legislative Fund of America urges that the U.S Senate give its consent to the Protocol.